

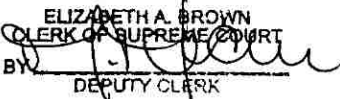
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MICHAEL STEINHAUER,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BARRY L. BRESLOW, DISTRICT
JUDGE,
Respondents.

No. 86727

FILED

JUN 23 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original pro se petition for a writ of mandamus or prohibition challenges petitioner's sentence as a habitual criminal as illegal.

Mandamus and prohibition are extraordinary remedies and whether to consider a petition seeking such relief is within this court's sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Extraordinary relief, however, will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330.

Steinhauer has a plain, speedy, and adequate remedy in the ordinary course of law to challenge his sentence—a postconviction petition for a writ of habeas corpus filed in the district court in the first instance. See NRS 34.724(1) (recognizing a convicted person who claims the sentence was imposed in violation of Nevada law may file a postconviction habeas petition to get relief from the sentence); *Harris v. State*, 130 Nev. 435, 437, 329 P.3d 619, 621 (2014) ("A post-conviction petition for a writ of habeas corpus is the exclusive remedy for challenging the validity of a conviction or sentence aside from direct review of a judgment of conviction on appeal and

remedies which are incident to the proceedings in the trial court.” (internal quotation marks omitted)). It appears that such an appeal is currently pending in Docket No. 86705. And it appears that the Nevada Court of Appeals previously considered and addressed similar claims regarding the illegality of petitioner’s sentence in *Steinhauer v. State*, No. 83828-COA, 2022 WL 1439502 (Nev. Ct. App. May 5, 2022) (Order of Affirmance). Accordingly, we

ORDER the petition DENIED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Herndon, J.
Herndon

cc: Hon. Barry L. Breslow, District Judge
David Michael Steinhauer
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk