

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK ANTHONY OSEGUERA-  
CHAVEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88459

**FILED**

**JUN 18 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*


This is an appeal from a district court order dismissing a postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

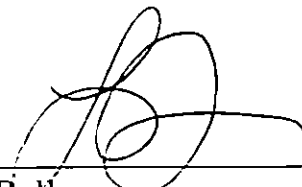
Appellant Mark Oseguera-Chavez was convicted in district court case number CR20-1952. On April 26, 2022, the district court issued a corrected judgment of conviction entered nunc pro tunc to February 9, 2022. On January 27, 2023, Oseguera-Chavez filed a pro se postconviction habeas petition challenging the conviction and sentence. In the petition, however, Oseguera-Chavez mistakenly identified the wrong district court case number (CR20-3137). That case concerned Oseguera-Chavez's interlocutory appeal from a justice court order. The district court determined that the misidentified case number warranted striking the petition. Shortly after the district court entered the order striking the petition filed in case number CR20-3137, Oseguera-Chavez filed an amended petition in district court case number CR20-1952 on May 15, 2023. The district court dismissed the amended petition as untimely pursuant to

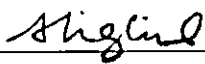
NRS 34.726(1). Oseguera-Chavez now appeals from the order dismissing the amended postconviction habeas petition.

Oseguera-Chavez argues that the district court erred in dismissing the amended postconviction habeas petition as untimely. We agree. The petition with the wrong case number was timely filed and sufficient to invoke the district court's jurisdiction. *See Oseguera-Chavez v. Second Jud. Dist. Ct.*, No. 88576 (Nev. June \_\_, 2025) (Order Granting Petition) (concluding that the district court manifestly abused its discretion in striking the timely petition). "Once the district court acquires jurisdiction by the timely filing of the habeas petition, any defects in the petition may be cured by amendment, even after the statutory time limit for filing the petition has elapsed." *Miles v. State*, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004) (cleaned up); *cf.* NRS 34.738(2)(a) (providing that, even if a postconviction habeas petition is filed in the wrong jurisdiction, it "[s]hall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged"). Therefore, the district court erred in dismissing the amended petition as untimely. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Egan K. Walker, District Judge  
Federal Public Defender/Las Vegas  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk