

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE W. LUSTER, JR.,
Petitioner,

vs.

WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN, NEVADA
DEPARTMENT OF CORRECTIONS,

Respondents,

and,

THE STATE OF NEVADA,

Real Party in Interest.

No. 44748

FILED

MAR 04 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rihard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is an original proper person petition for a writ of mandamus. Petitioner alleges that the Department of Prisons refuses to allow petitioner adequate legal visits with an investigator appointed by the district court to assist petitioner in preparing for an evidentiary hearing in a post-conviction habeas proceeding. Having reviewed the petition, we are not persuaded that this court's intervention by way of extraordinary writ is warranted at this time. Petitioner should seek the requested relief in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.

Maupin J.

Maupin

Douglas J.

Douglas

Parraguirre J.

Parraguirre

cc: Hon. John S. McGroarty, District Judge
George W. Luster Jr.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk