

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM GARDNER,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
THE HONORABLE JOHN P. DAVIS,
DISTRICT JUDGE,

Respondents,

and

WARDEN, ELY STATE PRISON, E.K.
MCDANIEL, THE STATE OF NEVADA,
Real Parties in Interest.

No. 44857

FILED

APR 01 2005

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

ORDER DENYING PETITION


This is a proper person petition for a writ of habeas corpus. Petitioner argues that his post-conviction counsel was ineffective, and the district court failed to address all of his post-conviction claims. Petitioner seeks extraordinary review of his claims in order to exhaust state remedies. We decline to exercise this court's original jurisdiction to consider the merits of petitioner's claims. A challenge to the validity of a judgment of conviction should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.¹

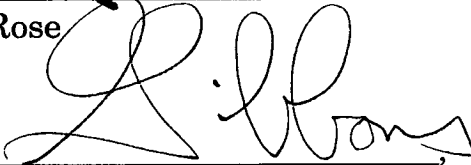
¹See NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

Petitioner may then appeal to this court from a final, adverse decision.²

Accordingly, we

ORDER the petition DENIED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. John P. Davis, District Judge
William Gardner
Attorney General Brian Sandoval/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk

²See NRS 34.575(1).