

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOEL LEYVA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE JOHN  
S. MCGROARTY, DISTRICT JUDGE,  
Respondents,  
and  
CITY OF LAS VEGAS,  
Real Party in Interest.

No. 45029

**FILED**

JUL 26 2005

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

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging the district court's dismissal of an appeal from a municipal court decision denying petitioner's motion to withdraw his plea of no contest. We have considered the petition and supporting documentation, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.<sup>1</sup> Petitioner's challenge to the voluntariness of his plea should have been raised in a timely post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>2</sup> The


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<sup>1</sup>See NRS 34.160.

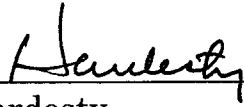
<sup>2</sup>See NRS 34.724(2)(b); 34.738(1). We express no opinion as to whether petitioner is able to satisfy the procedural requirements of NRS chapter 34 at this time.

presence of an adequate legal remedy will generally preclude extraordinary relief.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. John S. McGroarty, District Judge  
Warhola & Brooks, LLP  
Las Vegas City Attorney  
Clark County Clerk

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<sup>3</sup>See NRS 34.170.