

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN KOERSCHNER,
Petitioner,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 45640

FILED

AUG 23 2005

ORDER DENYING PETITION

JANE T. W. TULLY
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

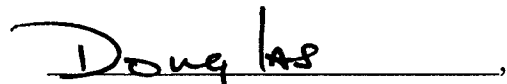
This is a proper person petition for a writ of habeas corpus in which petitioner challenges the validity of his judgment of conviction. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. A challenge to the 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 Petitioner may appeal from a final, adverse


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

decision on the petition.² Accordingly, we

ORDER the petition DENIED.³

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Lee A. Gates, District Judge
Allen Koerschner
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See NRS 34.575(1).

³We have received the proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.