

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46067

FILED

NOV 03 2005

ORDER DENYING PETITION

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

This is a proper person petition for a writ of habeas corpus. Petitioner challenges his continued confinement for extradition to Texas because he claims that the State of Texas did not apply for a Governor's Warrant. This court's extraordinary intervention into this matter is not warranted. Petitioner may file a petition for a writ of habeas corpus challenging extradition in the district court, and petitioner may appeal to this court from an adverse decision.¹ Accordingly, we

ORDER the petition DENIED.

Maupin J.

Maupin

Gibbons J.

Gibbons

Hardesty J.

Hardesty

¹See NRS 179.197(2) (providing that the court shall fix a reasonable time to apply to the district court for a writ of habeas corpus challenging extradition); NRS 34.560(2) (providing that the district court shall stay enforcement of an order committing the party to the custody of a jurisdiction outside the State of Nevada for 5 days during which time the aggrieved party may appeal to this court); NRS 34.575(1) (providing for an appeal from a district court order denying a petition for a writ of habeas corpus).

cc: Michael Thomas Davitt
Attorney General
Clark County District Attorney David J. Roger
Clark County Clerk