

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JAMES IRWIN, JR.,
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
THE STATE OF NEVADA,
Real Party in Interest.

No. 46713

FILED

FEB 24 2006

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 mandamus. Petitioner seeks an order commanding the district court to set a hearing date for a new sentencing hearing. Petitioner notes that in a prior appeal this court vacated his sentence because he was improperly adjudicated a habitual criminal and remanded the matter for a new sentencing hearing.¹

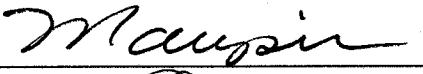
We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.² We are confident that the district court will take all necessary actions, including the appointment of counsel to represent


¹Irwin v. State, Docket No. 45420 (Order of Reversal and Remand, December 23, 2005).

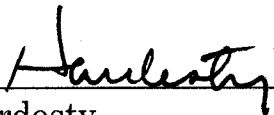
²See NRS 34.160.

petitioner, and conduct proceedings in this matter as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED.³


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. John P. Davis, District Judge
William James Irwin Jr.
Attorney General George Chanos/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk

³We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted.