

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH L. MIZZONI,  
Petitioner,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 48493

**FILED**

**DEC 21 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 habeas corpus. Petitioner challenges the conditions of his confinement and the validity of his judgment of conviction. We have reviewed the documents before this court, and we conclude that this court's intervention is not warranted at this time. A petition for a writ of habeas corpus is the improper vehicle in which to challenge the conditions of confinement.<sup>1</sup> A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.

J. Gibbons J.  
Gibbons

Maupin J.  
Maupin

Douglas J.  
Douglas

<sup>1</sup>See Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

<sup>2</sup>See NRS 34.724; NRS 34.738. We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

cc: Hon. John P. Davis, District Judge  
Joseph L. Mizzoni  
Attorney General George Chanos/Carson City  
Nye County Clerk