

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL CHARLES MANCUSO,  
Petitioner,

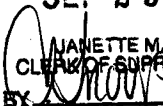
vs.

WARDEN, NEVADA STATE PRISON,  
MICHAEL BUDGE,  
Respondent.

No. 50146

**FILED**

SEP 25 2007

MANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION


This is a proper person petition for extraordinary relief. Petitioner seeks an order declaring whether claims have been exhausted for federal purposes. We have considered the documents submitted to this court, and we conclude that this court's intervention is not warranted at this time. Petitioner may challenge the validity of his judgment of conviction and sentence by way of a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>1</sup> This court

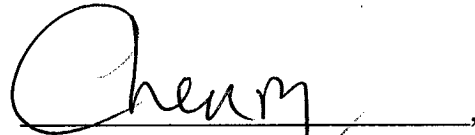
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<sup>1</sup>See NRS 34.724; NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

declines to offer an advisory opinion as to the status of exhausted or unexhausted claims.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Janet J. Berry, District Judge  
Daniel Charles Mancuso  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>See Applebaum v. Applebaum, 97 Nev. 11, 621 P.2d 1110 (1981).