

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERALD C. CUNNINGHAM,
Appellant,

vs.

THE STATE OF NEVADA; OFFICE OF
THE ATTORNEY GENERAL; BOARD
OF PRISON COMMISSIONERS;
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, JIM
BENEDETTI; CARSON CITY; AND
THE HONORABLE JOHN P. DAVIS,
DISTRICT JUDGE,
Respondents.

No. 50531

FILED

MAY 01 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a document labeled, "notice of first amendment NRS 34.360-185 petition for emergency pretrial writ of habeas corpus, S.Ct. reopened case on January 10, 2007." First Judicial District Court, Carson City; James Todd Russell, Judge.

On September 19, 2007, appellant filed a proper person document labeled, "notice of first amendment NRS 34.360-185 petition for emergency pretrial writ of habeas corpus, S.Ct. reopened case on January 10, 2007" in the district court. The State filed a motion to dismiss the petition. The district court dismissed the petition on the ground that it was unintelligible. This appeal followed.


Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing the petition. The petition is unintelligible and does not clearly and concisely set forth any grounds

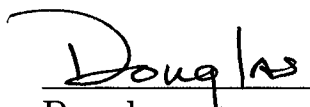
for relief. To the extent that appellant challenged the validity of his judgment of conviction and sentence, the petition was procedurally time barred and without good cause.¹ To the extent that appellant claimed that there was an error in the computation of time served, appellant failed to set forth an intelligible ground for relief.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

¹See NRS 34.726(1); Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

²See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. James Todd Russell, District Judge
Jerald C. Cunningham
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk