

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES WILLIAMS, III,  
Appellant,

vs.

HOWARD SKOLNIK, DIRECTOR,  
NEVADA DEPARTMENT OF  
CORRECTIONS; DORLA SALLING,  
CHAIRWOMAN, NEVADA BOARD OF  
PAROLE COMMISSIONERS; AND THE  
STATE OF NEVADA,  
Respondents.

No. 51849

**FILED**

SEP 25 2008

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; William A. Maddox, Judge.

On April 22, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On May 9, 2008, the district court denied the petition. This appeal followed.

The district court denied the petition pending proof of proper service on the respondent.<sup>1</sup> The failure to properly serve parties is not a jurisdictional defect, but rather a defect that may be cured by amendment.<sup>2</sup> The record on appeal reveals that appellant filed a response

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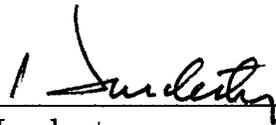
<sup>1</sup>See NRS 34.730(2).

<sup>2</sup>See Miles v. State, 120 Nev. 383, 385, 91 P.3d 588, 589 (2004).

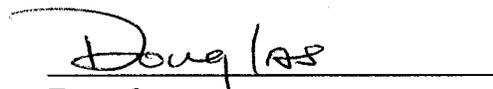
on May 28, 2008. In that response, appellant indicated that he served the petition on the Attorney General on April 16, 2008, and in support of this claim, he attached a copy of an "inmate account transaction request" for legal mail postage on April 16, 2008. Appellant indicated that he further served Mr. Skolnik and Ms. Salling on May 19, 2008, and in support of this assertion he attached a copy of a certificate of service. The record on appeal has thus revealed that appellant adequately cured his defects in service in the proceedings below.

Appellant is not an aggrieved party, in that the petition was denied without prejudice pending proof of proper service and appellant cured the defects in service. Thus, the April 22, 2008 petition for a writ of habeas corpus remains pending in the district court, and we are confident that the district court will resolve all pending matters as expeditiously as its calendar permits. Because appellant is not an aggrieved party, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. William A. Maddox, District Judge  
James Williams III  
Attorney General Catherine Cortez Masto/Carson City  
Carson City Clerk