

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52984

**FILED**

JAN 22 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION

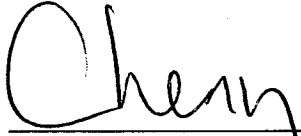
This is a proper person petition for a writ of mandamus. Petitioner challenges the validity of his judgment of conviction and sentence. Petitioner further argues that he was not provided copies with parole plan forms. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. NRS 34.160; NRS 34.170. A challenge to the validity of the judgment of conviction and sentence should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance. NRS 34.724(2)(b); NRS 34.738(1).<sup>1</sup> Any challenge to the failure to provide petitioner with copies of


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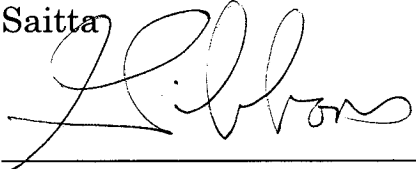
<sup>1</sup>We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

parole forms should be raised in a petition for a writ of mandamus filed in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.

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

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

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

cc: Hon. James M. Bixler, District Judge  
Gene Anthony Allen  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk