

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUPE GUSMAN,  
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR CARSON CITY, AND THE  
HONORABLE WILLIAM A. MADDOX,  
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA AND  
WARDEN, NORTHERN NEVADA  
CORRECTIONAL CENTER, JIM  
BENEDETTI,

Real Parties in Interest.

No. 52997

**FILED**

JAN 15 2009

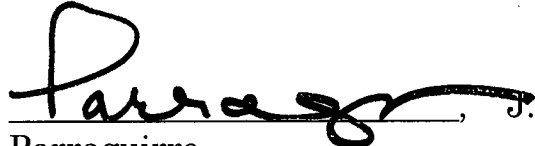
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

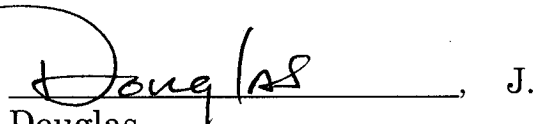
ORDER DENYING PETITION

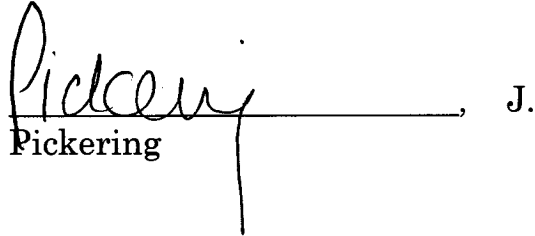
This is a proper person petition for a writ of prohibition. Petitioner seeks an order prohibiting the district court from transferring a petition for a writ of habeas corpus to the Second Judicial District Court. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised in the underlying petition for a writ of habeas corpus, we conclude that petitioner has failed to demonstrate that extraordinary relief is warranted. NRS 34.320; NRS 34.330. The petition for a writ of habeas corpus submitted in the district court, and attached to the original petition filed in this court, challenged the validity of the judgment of conviction. NRS 34.738(1) provides that such a petition must be filed in the district court for the county in which the conviction arose. Affixing the label of "NRS 34.360" to the petition

does not alter the character of the claims raised in the petition.  
Accordingly, we

ORDER the petition DENIED.

  
Parraguirre

  
Douglas

  
Pickering

cc: Hon. William A. Maddox, District Judge  
Lupe Gusman  
Attorney General Catherine Cortez Masto/Carson City  
Carson City District Attorney  
Carson City Clerk