

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN E. MAYS A/K/A JOHN EDWARD
MAYS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54176

FILED

SEP 29 2009

ORDER DISMISSING APPEAL

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

This is a proper person appeal from an order denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

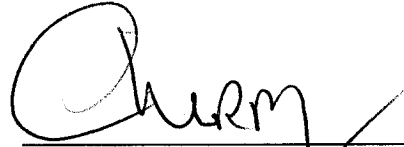
On July 2, 2009, appellant filed a proper person petition for a writ of habeas corpus challenging extradition. The State opposed the petition. On July 10, 2009, the district court orally denied the petition for a writ of habeas corpus, and on July 10, 2009, the district entered a final order authorizing extradition. This appeal followed.

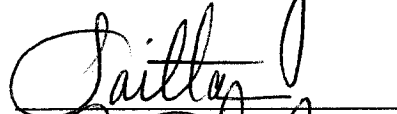
In his petition, appellant challenged extradition on the following grounds: (1) appellant alleged that he was not a fugitive, (2) the request for extradition was based on an improperly applied parole law, and (3) the extradition documents were not facially proper.

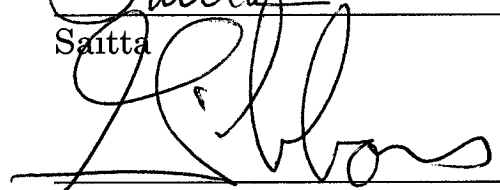
Subsequent to the denial of the petition, appellant was extradited to the State of California. Appellant's removal from this state rendered moot any issue concerning extradition to California because no relief can be found in the Eighth Judicial District Court at this time. The district court would not have the power to issue a writ of habeas corpus in

the instant case because appellant was no longer in actual custody in the Eighth Judicial District.¹ Nev. Const. art. 6, § 6(1). Accordingly, we

ORDER this appeal DISMISSED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
John E. Mays
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹In light of this court's conclusion that this appeal is moot, we specifically decline to consider the merits of the claims raised in the petition.

²This matter was submitted for decision upon the filing of the record on appeal. We have considered the documents submitted in this matter, and for the reason set forth above, we determine no relief is warranted on those submissions.