

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN E. MCGUIGAN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,

Respondents,


and

THE STATE OF NEVADA,
Real Party in Interest.

No. 54248

FILED

AUG 21 2009

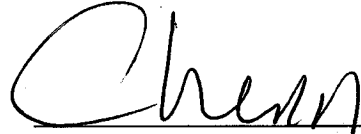
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION


This is a proper person petition for a writ of mandamus. Petitioner seeks an order directing the district court to amend the judgment of conviction in C232576 by striking the consecutive sentence language because no other sentences had been imposed when the district court included this language in the judgment of conviction in C232576, the first of three cases in which appellant was sentenced in 2007. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. A challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction petition for a writ of

habeas corpus filed in the district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1). A challenge to the Department of Corrections' sentence structure should be raised in a petition for a writ of habeas corpus filed in the district court for the county in which he is incarcerated. NRS 34.360. Accordingly, we

ORDER the petition DENIED.

 _____ J.
Cherry

 _____ J.
Saitta

 _____ J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Bryan E. McGuigan
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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