

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54378

FILED

SEP 11 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 mandamus, or alternatively, a writ of prohibition. 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. NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. Should petitioner wish to challenge the district court's disposition of his motion to correct an illegal sentence, the appropriate remedy is to file an appeal. See Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998) (noting that an appeal is generally an adequate and speedy remedy precluding writ relief).

In addition, we note that petitioner has filed numerous, arguably frivolous, documents in this court challenging his judgment of conviction and sentence.¹ This continuous stream of filings is an abuse of


¹See Bacon v. District Court, Docket No. 50202 (Order Denying Petition, October 16, 2007); Bacon v. District Court, Docket No. 50403 (Order Denying Petition, December 3, 2007); Bacon v. State, Docket No. 50491 (Order Denying Petition, December 10, 2007); Bacon v. Board of Parole Commissioners, Docket No. 50600 (Order Denying Petition, January 22, 2008); Bacon v. District Court, Docket No. 53420 (Order Denying Petition, March 26, 2009); Bacon v. State, Docket No. 53492 (Order Denying Petition, April 14, 2009); Bacon v. District Court, Docket No. 53768 (Order Denying Petition, June 4, 2009); Bacon v. State, Docket No. 53767 (Order Denying Petition, June 5, 2009); Bacon v. State, Docket

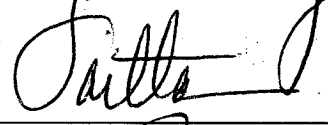
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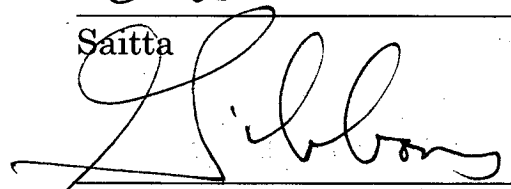
judicial resources. We caution appellant that a prisoner may forfeit all deductions of time earned by the prisoner if the court finds that the prisoner has filed a document in a civil action and the document contains a claim or defense included for an improper purpose, the document contains a claim or defense not supported by existing law or a reasonable argument for a change in existing law, or the document contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation. See NRS 209.451(1)(d). Should appellant continue to file frivolous documents, this court will refer appellant to the director of the Department of Corrections for the forfeiture of deductions of time earned.

Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

... continued

No. 53886 (Order Denying Petition, June 18, 2009); Bacon v. State, Docket No. 53927 (Order Denying Petition, June 26, 2009); Bacon v. State, Docket No. 54102 (Order Denying Petition, August 7, 2009); Bacon v. State, Docket No. 54281 (Order Denying Petition, August 24, 2009); Bacon v. State, Docket No. 54225 (Order Denying Petition, August 24, 2009).

cc: Percy Lavae Bacon
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk