

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54566

FILED

APR 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus.¹ Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

Appellant filed his petition on March 12, 2009. Noting that the petition did not comply with the requirements of NRS 34.735, the district court entered an order on March 16, 2009, instructing appellant to supplement his petition within 30 days. The district court warned that if appellant failed to comply with the order, it would dismiss appellant's petition. Appellant failed to file a supplement within the time period allotted by the district court. Under these circumstances, we conclude

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

that the district court did not err in dismissing appellant's petition.

Therefore, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Dan L. Papez, District Judge
Michael Thomas Davitt
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk