

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY JOSEPH JARVIS,  
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE,  
AND THE HONORABLE ROBERT W.  
LANE, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 54838

**FILED**

DEC 03 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION

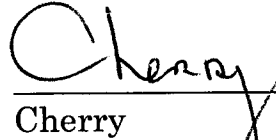
This is a proper person petition for a writ of mandamus. It appears that petitioner claims that the clerk of the district court has erroneously refused to file a motion to withdraw attorney and a proper person post-conviction petition for a writ of habeas corpus because petitioner is represented by attorney Jason Earnest. We have considered the documents submitted in this matter, and we conclude that no relief is warranted at this time. See NRS 34.160; NRS 34.170. After taking judicial notice of, and reviewing the State's appendix filed in Docket No. 54640, it appears that appellant's petitions have been filed in district court case numbers PC-0005504 and PC-0006005.<sup>1</sup> To the extent that appellant's petition can be construed to include a claim regarding whether

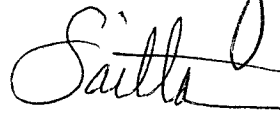
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<sup>1</sup>The motions have been filed in the underlying criminal cases.

Mr. Earnest may represent him on direct appeal and in post-conviction proceedings, this claim should be litigated in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Robert W. Lane, District Judge  
Danny Joseph Jarvis  
Attorney General Catherine Cortez Masto/Carson City  
Nye County District Attorney/Pahrump  
Jason Earnest, Esq.  
Nye County Clerk