

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN CARLISLE DAVIS,
Appellant,
vs.
THE STATE OF NEVADA AND THE
COUNTY OF CHURCHILL,
Respondents.

No. 56162

FILED

SEP 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a petition for a writ of habeas corpus.¹ Third Judicial District Court, Churchill County; Leon Aberasturi, Judge.

In a petition filed on April 28, 2010, appellant challenged his extradition to California. The district court denied the petition. 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 Third Judicial District Court at this time. The district court would not have the power to issue a writ of habeas corpus in the instant

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).

case because appellant was no longer in actual custody in the Third Judicial District.² Nev. Const. art. 6, § 6(1). Accordingly, we

ORDER this appeal DISMISSED.

H. Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Leon Aberasturi, District Judge
John Carlisle Davis
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk

²In 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.