

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRELL R. ESCALANTI,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56789

FILED

NOV 12 2010

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 a writ of prohibition. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. To the extent petitioner requests this court compel the district court to enter a ruling on his proper person motion to correct an illegal sentence, we are confident the district court will resolve all pending matters as expeditiously as its calendar permits. To the extent petitioner challenges the validity of his judgment of conviction and sentence, such a challenge 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). Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Elko Co. Clerk
Darrell R. Escalanti
Attorney General/Carson City
Elko County District Attorney

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