

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY JAMES BENNETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57471

FILED

JUN 08 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

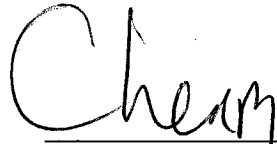
This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition filed on June 23, 2010, appellant challenged the validity of his judgment of conviction in district court case number 09CR00131. The petition was not cognizable, however, because appellant was not in custody in the case designated when he filed the petition. Jackson v. State, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999); see also Nev. Const. art. 6, § 6(1) (providing that the district courts may issue a writ of habeas corpus on petition by "any person who is held in actual custody in their respective districts, or who has suffered a criminal conviction in their

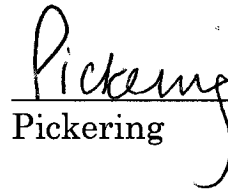
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

respective districts and has not completed the sentence imposed pursuant to the judgment of conviction"). Therefore, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. James E. Wilson, District Judge
Gregory James Bennett
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.