

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57586

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

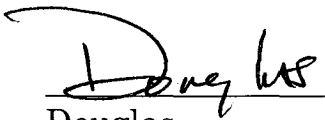
This is a proper person appeal from a district court order denying a complaint for declaratory judgment. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

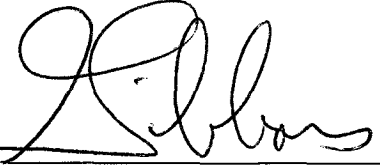
Appellant, an inmate, filed the underlying declaratory judgment action, purportedly challenging the validity of NRS 205.060, the burglary statute under which he was convicted, and other statutes. A review of appellant's district court filings reveals, however, that appellant's challenges all related to the validity of his conviction. The only avenue for an inmate to challenge the validity of his conviction is through a habeas corpus petition for post-conviction relief.¹ See NRS 34.724(2)(b) (providing that a habeas corpus petition "[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence,

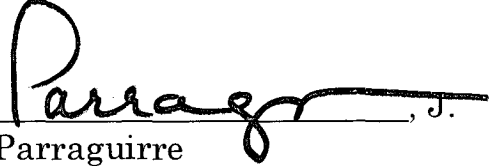
¹Appellant has already filed several petitions for post-conviction relief, and all of his arguments in the complaint could have been raised previously in such a petition. Thus, even if the complaint were construed as a petition for post-conviction relief, dismissal would be warranted pursuant to NRS 34.810.

and must be used exclusively in place of them”). Accordingly, appellant was not entitled to relief under Nevada’s declaratory judgment statutes, and we affirm the district court’s order dismissing appellant’s complaint.²

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Percy Lavae Bacon
Attorney General/Carson City
Eighth District Court Clerk

²Having considered appellant’s April 13, 2011, and September 9, 2011, filings concerning judicial notice and his April 13, 2011, “motion for leave to supplement an additional cogent argument,” we deny the relief appellant requests in these documents, as appellant largely uses these filings to restate the arguments made in his civil proper person appeal statement. We also deny as moot appellant’s October 19, 2011, motion to expedite the assignment of a panel.