

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO DAVID ALPHONSO A/K/A
JULIO DAVID ALFONSO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58878

FILED

DEC 07 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. General*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his petition filed on September 14, 2010, appellant challenged the validity of his judgment of conviction in district court case number C092829. 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

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).

conviction in their 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.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Julio David Alphonso
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk