IN THE SUPREME COURT OF THE STATE OF NEVADA

ABDUL HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59480

FILED

MAY 09 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY D. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

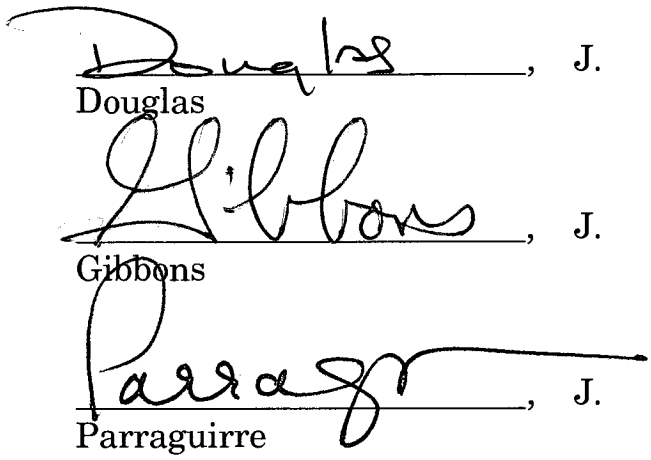
This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus, or alternatively, a writ of mandamus.[1] Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his petition filed on June 29, 2011, appellant challenged the validity of his judgment of conviction in district court case number C189799. 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 respective districts and has not completed the sentence imposed pursuant to the judgment of conviction"). Further, a petition for a writ of

[1]This 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 Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

mandamus was the improper vehicle to challenge the validity of the judgment of conviction. NRS 34.170. Therefore, we

ORDER the judgment of the district court AFFIRMED.[2]



Douglas, J.

Gibbons, J.

Parraguirre, J.

cc: Hon. Doug Smith, District Judge
Abdul Howard
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[2]We 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.