

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE A. TOLIVER,  
Appellant,  
vs.  
CITY OF HENDERSON,  
Respondent.

No. 59502

**FILED**

JUN 13 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


In his petition, filed on August 23, 2011, appellant challenged a 2008 misdemeanor conviction for petit larceny. Appellant failed to demonstrate that he is currently in custody pursuant to the contested conviction. Accordingly, appellant lacked standing to challenge his conviction in a post-conviction petition for a writ of habeas corpus, see NRS 34.724(1), and his petition was not cognizable pursuant to Nev. Const. art. 6, § 6(1). See also Jackson v. State, 115 Nev. 21, 23, 973 P.2d


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<sup>1</sup>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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

241, 242 (1999). Therefore, we conclude that the district court did not err in dismissing appellant's petition, and we

ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, J.  
Saitta

 \_\_\_\_\_, J.  
Pickering

 \_\_\_\_\_, J.  
Hardesty

cc: Chief Judge, Eighth Judicial District Court  
George A. Toliver  
Attorney General/Carson City  
Henderson City Attorney  
Eighth District Court Clerk