

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES COREY MCGEE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62365

**FILED**

JUN 13 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
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.<sup>1</sup> Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

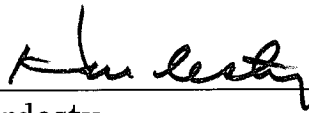
In his petition filed on November 26, 2012, appellant challenged the validity of his May 20, 1988, judgment of conviction. We conclude that the district court did not err in denying the petition because appellant was not in custody in the case designated when he filed the petition. *Jackson v. State*, 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

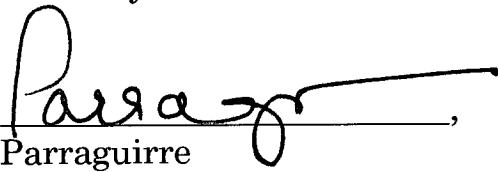
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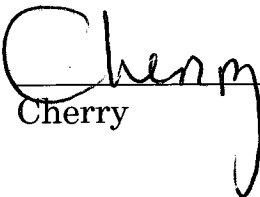
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Jerome Polaha, District Judge  
James Corey McGee  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk