

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MANUEL MELENDEZ,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,

Respondent,

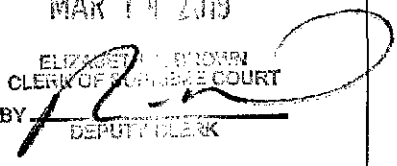
and

BRIAN WILLIAMS, WARDEN HDSP
FOR THE STATE OF NEVADA,
Real Party in Interest.

No. 77855-COA

FILED

MAR 14 2019

ELIZABETH L. BROWN
CLERK OF APPEALS COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION

This is an original petition for a writ of habeas corpus.¹ Manuel Melendez alleges his counsel was ineffective for failing to recognize a double jeopardy violation and the district court never gave the oath to the jury as required by NRS 175.111, which Melendez asserts deprived the district court of jurisdiction over his case. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Melendez' claims challenge the validity of his judgment of conviction. A challenge to the validity of the judgment of

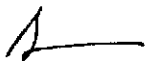
¹Because Melendez' petition has been filed with this court, no action will be taken on his motion for leave to file the petition.

conviction must be raised in a postconviction petition for a writ of habeas corpus filed in the district court in the first instance.² NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Manuel Melendez
Attorney General/Carson City
Eighth District Court Clerk

²We express no opinion as to whether Melendez could meet the procedural requirements of NRS chapter 34.