

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO MORA-MARIN,

No. 37124

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

OCT 31 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus.

On December 17, 1998, the district court convicted appellant, pursuant to a jury verdict, of two counts of possession of a controlled substance and one count of trafficking in a controlled substance. The district court sentenced appellant to serve two concurrent terms of 12 to 48 months for the possession counts, and a concurrent term of 25 years in the Nevada State Prison with parole eligibility in 10 years for the trafficking count. This court dismissed appellant's appeal from his judgment of conviction and sentence.¹ The remittitur issued on August 1, 2000.

On September 29, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On November 27, 2000, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant contended that he received the ineffective assistance of counsel, there were sentencing disparities, and that the State's brief on direct appeal should have been dismissed for not complying with the Federal Rules of Criminal Procedure. We conclude

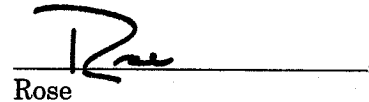
¹Mora-Marin v. State, Docket No. 33554 (Order Dismissing Appeal, July 7, 2000).


that the district court did not err in dismissing appellant's petition. Appellant failed to support these claims with any facts.²

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Steven P. Elliott, District Judge
Attorney General
Washoe County District Attorney
Eduardo Mora-Marin
Washoe County Clerk

²See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

³See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

⁴We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.