

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY K. ANDERSON,
Appellant,
vs.
GOVERNOR SANDOVAL; DIRECTORS,
N.S.P.; AND WARDEN BRIAN
WILLIAMS, S.D.C.C.,
Respondents.

No. 70222

FILED

AUG 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

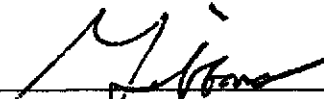
This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

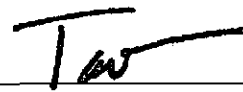
Appellant Anthony K. Anderson argues the district court erred in denying his March 28, 2016, petition. The district court dismissed the petition because the criminal charges in this matter were dismissed and Anderson was not in custody pursuant to a conviction related to this matter when he filed this petition. A postconviction petition for a writ of habeas corpus is not available to persons who are not in custody pursuant to a judgment of conviction when the petition is filed. *See Nev. Const. art. 6, § 6(1); NRS 34.720(1); NRS 34.724(1); Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). Because Anderson was not in custody pursuant


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

to a judgment of conviction for this matter when he filed the petition, the district court properly dismissed the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Carolyn Ellsworth, District Judge
Anthony K. Anderson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk