


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY DANIELS MORAGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83179-COA

FILED

DEC 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Roy Daniels Moraga appeals from an order of the district court denying his petition for a writ of prohibition filed on June 2, 2021. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Moraga contends the district court erred by denying his petition. We review the district court's denial of writ relief for an abuse of discretion. *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

In his petition, Moraga challenged the validity of his habitual criminal adjudication and claimed it violated the Double Jeopardy Clause. A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. The writ will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.330. Because Moraga's petition challenged the validity of his judgment of conviction, he had a plain, speedy, adequate, and exclusive remedy: a postconviction petition for a writ of habeas corpus. See NRS

34.724(2)(b). Accordingly, we conclude the district court did not abuse its discretion by denying Moraga's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Roy Daniels Moraga
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk