

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL WHITFIELD,
Petitioner,

vs.

NEVADA STATE PERSONNEL
COMMISSION, STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION;
LORNA WARD, APPEALS OFFICER;
AND THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS AS
EMPLOYER,
Respondents.

No. 85248

FILED

SEP 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Vaeney
DEPUTY CLERK

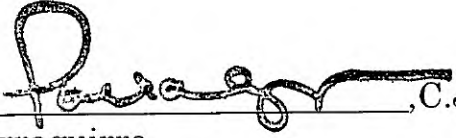
*ORDER DENYING PETITION FOR
A WRIT OF HABEAS CORPUS*

This original pro se petition for a writ of habeas corpus challenges the termination of petitioner's employment with the Nevada Department of Corrections.

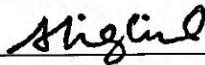
As an initial matter, we note that a writ of habeas corpus is available as a remedy only to one who is held in actual custody or incarcerated pursuant to a criminal conviction. Nev. Const. art. 6, § 6(1); NRS 34.724(1); NRS 34.360; *Jackson v. State*, 115 Nev. 21, 973 P.2d 241 (1999). It has no application to a civil employment matter. Accordingly, a writ of habeas corpus is not available to petitioner.

To the extent that we might construe the instant petition as one for a writ of mandamus, we note that petitioner failed to meet his burden to demonstrate that such extraordinary relief is warranted, *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Stiglich

cc: Michael Whitfield
Attorney General/Carson City
Attorney General/Reno