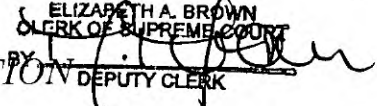IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROMY OELKER,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87377

FILED

OCT 3 0 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

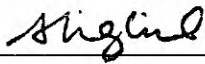*ORDER DENYING HABEAS PETITION*

This is an original pro se petition for a writ of habeas corpus challenging the legality of a judgment of conviction and seeking punitive damages and legal fees.

Petitioner does not allege that he previously sought and was denied habeas relief in the district court. *See* NRAP 22 (stating that "[a]n application for an original writ of habeas corpus should be made to the appropriate district court" in the first instance). A petition for a writ of habeas corpus should be filed in the district court in the first instance so that factual and legal issues are fully developed, giving this court an adequate record to review. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact"); *State v. County of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that "this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court" in the first instance), *abrogated on other grounds by Cortez Masto v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013).

Petitioner bears the burden of showing that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We conclude that petitioner has failed to demonstrate

our intervention by extraordinary writ is warranted. Therefore, we decline to exercise our original jurisdiction in this matter. *See* NRAP 21(b). Accordingly, we

ORDER the petition DENIED.[1]

_____, C.J.
Stiglich

_____, J.
Cadish

_____, J.
Herndon

cc: Jeromy Oelker
       Attorney General/Carson City
       Clark County District Attorney
       Eighth District Court Clerk

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[1]Petitioner has failed to provide proof of service upon respondent, thus constituting an additional reason to deny the petition.