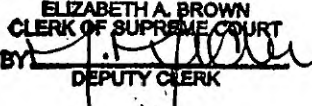


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY AUGUST BARLOW,  
Appellant,  
vs.  
EAST FORK TOWNSHIP JUSTICE  
COURT,  
Respondent.

No. 87478-COA

**FILED**  
AUG 30 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Timothy August Barlow appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on September 12, 2023. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.


The district court dismissed Barlow's petition for failure to effectuate service as required by NRS 34.730. Barlow does not challenge the district court's determination that he failed to effectuate service; rather, Barlow appears to contend that his failure to effectuate service should be overlooked "for justice" because allowing his conviction to stand would "set a precedence [sic] that no law enforcement agency will ever have to follow safety procedure [sic] ever."

NRS 34.730 requires that "[a] copy of the petition *must* be served by mail or electronic means upon the Attorney General and, if applicable, any other prosecuting agency." NRS 34.730(3) (emphasis added). By the statute's plain language, such service is mandatory. See *Heat & Frost Insulators & Allied Workers Loc. 16 v. Lab. Comm'r*, 134 Nev. 1, 4, 408 P.3d 156, 159 (2018) (recognizing in the context of service that "[t]he word 'must' generally imposes a mandatory requirement" (quotation

marks omitted)). Barlow failed to effectuate service, and his initial affidavit of service, which purported to serve the "State of Nevada," failed to comply with NRS 34.730. Moreover, the record indicates that after the district court received Barlow's initial affidavit of service, the court granted Barlow an opportunity to properly effectuate service, and Barlow failed to comply with the district court's order. In light of the foregoing, we conclude the district court did not err by dismissing Barlow's petition for failure to effectuate service. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Thomas W. Gregory, District Judge  
Timothy August Barlow  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk