

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE W. LUSTER, JR.,

No. 38486

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
DONALD M. MOSLEY, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

**FILED**

OCT 11 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY *J. Richards*  
CHIEF DEPUTY CLERK

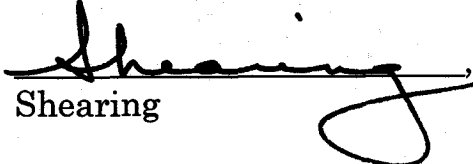
ORDER DENYING PETITION

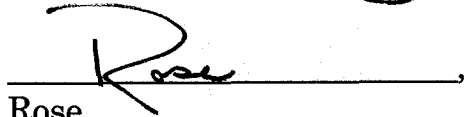
This proper person petition for a writ of mandamus seeks an order from this court reversing a district court order dismissing petitioner's post-conviction petition for a writ of habeas corpus because the district court conducted an improper ex parte evidentiary hearing. Petitioner further seeks an order requesting this court to order the district court to allow petitioner to be present at any evidentiary hearing on the petition pursuant to NRS 34.770(3).<sup>1</sup>


We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.<sup>2</sup> Appellant has an adequate legal remedy by way

of an appeal from the order of the district court dismissing his habeas corpus petition.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Becker

cc: Hon. Donald M. Mosley, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
George W. Luster Jr.  
Clark County Clerk