

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOMSANAK N. MAOKHAMPHIOU,
Petitioner,

vs.

WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 42227

FILED

NOV 18 2003

ORDER DENYING PETITION


JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

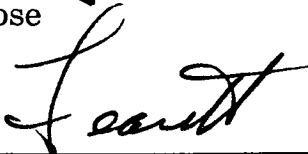
This is a proper person petition for a writ of habeas corpus. Appellant challenges the constitutionality of NRS 193.168 (setting forth an additional penalty for a felony committed to promote activities of a criminal gang). We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. A petition for a writ of habeas corpus should be filed in the district court in the first instance.¹ Petitioner may then appeal to this


¹NRS 34.720; NRAP 22.

court from an adverse decision.² Accordingly, we

ORDER the petition DENIED.³


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Somsanak N. Maokhamphiou
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²NRS 34.575.

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.