

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42837

FILED

AUG 23 2004

ORDER OF AFFIRMANCE

JAMETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael L. Douglas, Judge.

Because appellant's petition did not challenge the validity of his judgment of conviction or sentence, but rather challenged the computation of time served, the petition was required to be filed in the district court in the county in which he is incarcerated—the Sixth Judicial District Court.¹ Appellant filed his petition in the district court for the county in which he was convicted—the Eighth Judicial District Court. Thus, appellant filed his petition in the wrong district court, and for this reason, we conclude that the district court properly denied the petition.

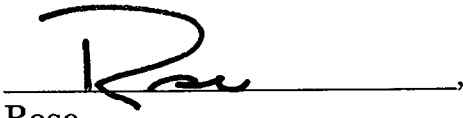
Further, we note that NRS 34.738(2)(b) requires the district court to transfer a petition that is filed in the wrong district court to the appropriate district court. Therefore, we direct the clerk of the Eighth Judicial District Court to transfer appellant's petition to the clerk of the

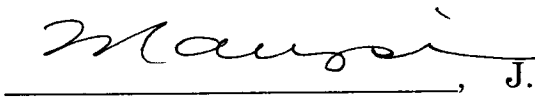
¹See NRS 34.738(1).

Sixth Judicial District Court if the clerk has not already done so.²
Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


Shearing, C.J.


Rose, J.


Maupin, J.

cc: Eighth Judicial District Court Dept. 11, District Judge
Michael Hudson
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²We note that appellant's petition was not verified. An unverified petition is not cognizable in the district court. See Sheriff v. Scalo, 96 Nev. 776, 616 P.2d 402 (1980); Sheriff v. Chumphol, 95 Nev. 818, 603 P.2d 690 (1979); Sheriff v. Arvey, 93 Nev. 72, 560 P.2d 153 (1977) (construing verification requirement for pretrial habeas petition). Thus, upon transfer, appellant will be required to cure this defect.

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.