

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL JOHN MCALINDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69505

FILED

JUL 26 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

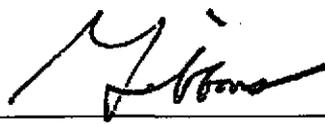
ORDER OF AFFIRMANCE

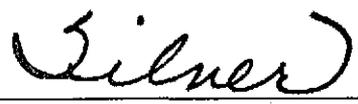
This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Appellant Michael McAlinden claims the district court erred at sentencing by denying his request for a continuance to determine whether the plea was knowingly entered, and he asserts the district court order denying his habeas petition and the judgment of conviction must be vacated so his request to withdraw his guilty plea may be assessed under the "fair and just" standard articulated in *Stevenson v. State*, 131 Nev. ___, ___, 354 P.3d 1277, 1281 (2015). However, this ground for relief was not raised in McAlinden's postconviction habeas petition and was not considered in the district court order denying that petition. Therefore, we decline to consider it for the first time on appeal, see *Davis v. State*, 107

Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d 25, 33 (2004), and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Silver

cc: Hon. Eric Johnson, District Judge
Turco & Draskovich
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk