

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK F. FUNDERBURKE,
Petitioner,
vs.
SHELLY WILLIAMS, NDOC
TIMEKEEPER,
Respondent.

No. 54972

FILED

JAN 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling the Department of Corrections to add 339 days of credit towards the time he has served in case no. 136745. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims therein, we decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170. A challenge to the computation of time served must be raised in a post-conviction petition for a writ of habeas corpus in the district court in the first instance. NRS 34.724(2)(c); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Patrick F. Funderburke
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk