

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEODIAS EDWARDS,  
Appellant,  
vs.  
ROBERT LEGRAND, WARDEN,  
LOVELOCK CORRECTIONAL  
CENTER,  
Respondent.

No. 66951

**FILED**

**JAN 21 2016**

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


*ORDER OF AFFIRMANCE*


This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant Leodias Edwards argues the district court erred in dismissing his August 20, 2008, petition. In his petition, Edwards asserted the Nevada Department Corrections (NDOC) improperly calculated his sentence as his terms should be aggregated and good-time credits should be awarded to his minimum terms. The respondent acknowledged Edwards was correct and informed the district court the NDOC had recently altered Edwards' sentence to aggregate his remaining terms and award good-time credits towards the remaining minimum terms. As the respondent awarded Edwards the relief he sought in his postconviction petition, the respondent moved to dismiss the petition as moot. Edwards opposed the motion, arguing the respondent's motion to dismiss was procedurally improper and the respondent should be required to file an answer to the petition. The district court then granted the motion to dismiss, concluding Edwards' petition was moot.

Edwards argues on appeal the district court should not have dismissed the petition due to mootness because the claims at issue are capable of repetition yet evading review. On a matter involving a postconviction petition for a writ of habeas corpus, this court generally declines to consider issues which were not raised in the district court in the first instance. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). This claim was not part of Edwards' petition or his opposition to the respondent's motion to dismiss, and there were no facts before the district court to show that Edwards could meet the-capable-of-repetition-yet-evading-review exception to the mootness doctrine. See *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (explaining a court may consider a moot claim if the issue involves a matter of widespread importance, the duration of the challenged action is relatively short, and there is a likelihood that a similar issue will arise in the future). Moreover, this claim was not considered in the district court's order dismissing the petition. Because Edwards does not demonstrate good cause for his failure to raise this claim before the district court, we decline to consider it in this appeal. See *McNelton*, 115 Nev. at 416, 990 P.2d at 1276. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: District Judge, Eleventh Judicial District Court  
Pershing County Public Defender  
Attorney General/Carson City  
Pershing County Clerk