

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,
Petitioner,
vs.
THE STATE OF NEVADA; NDOC; AND
BRIAN WILLIAMS, WARDEN,
Respondents.

No. 74855

FILED

FEB 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is an original postconviction petition for a writ of habeas corpus that challenges the computation of time served. James Howard Hayes, Jr., asserts he is entitled to have statutory credit applied to his minimum term.

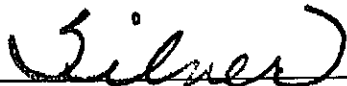
We have considered the petition, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction in this matter. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). A postconviction petition for a writ of habeas corpus filed in the district court in the county in which the petitioner is incarcerated “[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction.” NRS 34.724(2)(c); *see* NRS 34.738(1).

To the extent Hayes has already sought such relief in the district court and is attempting to challenge the district court’s denial of his postconviction petition, we conclude our intervention is not warranted because Hayes has an adequate remedy available to him. Specifically,

Hayes can appeal from the district court order resolving his petition.¹ See NRS 34.575(1).

Accordingly, without reaching the merit of any claims raised, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
James Howard Hayes, Jr.
Attorney General/Carson City

¹It appears Hayes has filed an appeal from a district court order denying a postconviction petition for a writ of habeas corpus that challenged the computation of time Hayes has served, and that appeal is pending in Docket No. 74896.