

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLAS HERRERA ACOSTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75740

FILED

FEB 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

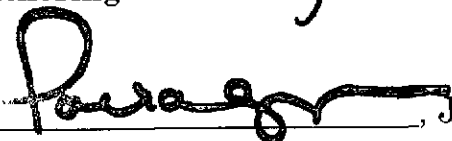
Appellant filed his petition in the district court for the county in which he was convicted. Because appellant's petition did not challenge the validity of his judgment of conviction, but rather the failure to award him credits pursuant to NRS 209.4465(1), the petition should have been filed in the county in which he was incarcerated. *See* NRS 34.738(1). Thus, appellant filed his petition in the wrong district court, and the district court

¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); *see also* NRAP 31(d)(1); *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

clerk was required to transfer it to the clerk of the district court for the appropriate county. *See* NRS 34.738(2)(b). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMANDED for the clerk of the Second Judicial District Court to transfer the petition filed on December 8, 2017, to the clerk of the appropriate district court.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Lynne K. Simons, District Judge
Blas Herrera Acosta
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk