

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEXTER OWENS,
Appellant,

vs.

RENEE BAKER, WARDEN; JAMES
DZURENDA, DIRECTOR, NEVADA
DEPARTMENT OF CORRECTIONS;
AND THE STATE OF NEVADA,
Respondents.

No. 76108-COA

FILED

MAR 14 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Dexter Owens appeals from a district court order denying a petition for a writ of mandamus filed on May 21, 2018.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Owens claimed in his petition that the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465 and the Nevada Supreme Court's decision in *Williams v. State Department of Corrections*, 133 Nev. ___, 402 P.3d 1260 (2017).

"[A] writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station or to control an arbitrary or capricious exercise of discretion." *Hickey v. Eighth Judicial Dist. Court*, 105 Nev. 729, 731, 782 P.2d 1336, 1337 (1989) (internal citation omitted). A writ of mandamus will not issue

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

when the petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. “We generally review a district court’s grant or denial of writ relief for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

The district court determined a petition for a writ of habeas corpus provided a plain, speedy, and adequate remedy in the ordinary course of law to challenge the computation of time a petitioner has served pursuant to a judgment of conviction and denied the petition. We conclude the district court did not abuse its discretion, *see* NRS 34.170; NRS 34.720; NRS 34.724(2)(c), and we

ORDER the judgment of the district court AFFIRMED.



Tao

, J.



Gibbons

, J.



Bulla

, J.

cc: Hon. Jim C. Shirley, District Judge
Dexter Owens
Attorney General/Carson City
Pershing County Clerk