

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN MCLEAN TILLEY,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 76207-COA

FILED

MAR 14 2019

ELIZABETH BROWN
CLERK OF THE COURT
BY: [Signature] DEPUTY CLERK

ORDER OF AFFIRMANCE


John Mclean Tilley appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 15, 2018.¹ Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Tilley filed a largely incoherent postconviction petition for a writ of habeas corpus in the First Judicial District Court. The First Judicial District Court determined the petition challenged the judgment of conviction and transferred it to the Fourth Judicial District Court in accordance with NRS 34.738(1). The Fourth Judicial District Court found that the petition failed to state a claim upon which relief could be granted and ordered it denied.

The record supports the Fourth Judicial District Court's finding, and we conclude it did not err by denying Tilley's petition. See NRS 34.735; *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (a petitioner is not entitled to postconviction relief if his claims are bare and lack specific factual allegations). Accordingly, we

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

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Nancy L. Porter, District Judge
John McLean Tilley
Attorney General/Carson City
Elko County Clerk

²To the extent Tilley attempted to challenge the Nevada Department of Corrections' application of the statutory credits to his sentence, his claim should have raised in a separate postconviction habeas petition, NRS 34.738(3), and filed with the clerk for the district court in the county where he is incarcerated, NRS 34.738(1). *See generally Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017) (explaining that claim that statutory credits are not being properly applied to an inmate's minimum sentence is a challenge to the computation of time served that is properly raised in a postconviction habeas petition).