

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE DE LA HOYA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70810

FILED

FEB 16 2017

ELIZABETH A. CROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

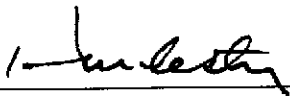
This is a pro se appeal from a district court order denying appellant's postconviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge. Appellant challenges the computation of time he has served. We affirm.

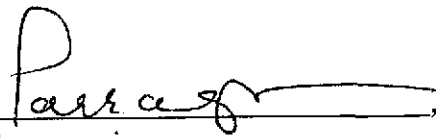
Appellant first claims that he is entitled to the deduction of statutory good-time credits from both his minimum and maximum terms of imprisonment. He did not raise this argument below, and we decline to consider it on appeal in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).

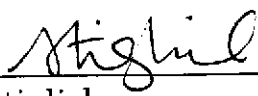
Appellant also claims that the district court clerk failed to transfer his petition to the court that convicted him, pursuant to NRS 34.738(2)(b). Yet appellant insisted throughout the proceedings below that he was challenging only the computation of time he has served in prison and not the validity of his judgment of conviction. As appellant filed his petition in the jurisdiction in which he was incarcerated, he has

not demonstrated that the district court clerk should have transferred his petition. See NRS 34.738(1). Accordingly, appellant's claim lacks merit, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Steve L. Dobrescu, District Judge
Jorge De La Hoya
Attorney General/Carson City
White Pine County District Attorney
Attorney General/Ely
White Pine County Clerk