

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES E. GRAY, JR.,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; OFFENDER
MANAGEMENT DIVISION (NDOC);
BRIAN WILLIAMS, WARDEN; AND
JAMES DZURENDA, DIRECTOR,
Respondents.

No. 78598-COA

FILED

NOV 05 2019

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

ORDER OF REVERSAL AND REMAND


James E. Gray, Jr., appeals from an order of the district court denying a civil rights complaint. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


On July 10, 2018, Gray filed a civil rights complaint pursuant to 42 U.S.C. § 1983. In his complaint, Gray contended he was entitled to money damages because the Nevada Department of Corrections violated his rights to due process and equal protection by failing to properly apply statutory credits toward his minimum parole eligibility date. The district court construed Gray's civil rights complaint as a postconviction petition for a writ of habeas corpus and denied relief because Gray had already discharged the sentence at issue. On appeal, Gray argues the district court erred by construing his civil rights complaint as a postconviction petition for a writ of habeas corpus.


A petitioner may utilize a postconviction petition for a writ of habeas corpus to challenge a judgment of conviction or the computation of time served. *See* NRS 34.724(1); *see also Bowen v. Warden*, 100 Nev. 489,

490, 686 P.2d 250, 250 (1984) ("a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof"). Gray did not raise either of those challenges; rather he sought money damages for alleged violations of his rights under the U.S. Constitution. Gray's claims did not fall within the scope of a postconviction petition for a writ of habeas corpus and, therefore, the district court erred by construing Gray's civil rights complaint as a postconviction habeas petition. Therefore, we reverse the district court's order and direct the district court to reconsider Gray's complaint as a civil matter. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹We express no opinion as to the merits of Gray's civil rights complaint. This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.

cc: Hon. Linda Marie Bell, Chief Judge
James E. Gray, Jr.
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk