

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE MAGANA,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 79855-COA

FILED

AUG 12 2020

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

ORDER OF AFFIRMANCE

Jose Magana appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his September 18, 2018, petition, Magana first challenged the computation of his time served and asserted the Nevada Department of Corrections (NDOC) violated his rights by improperly declining to apply credits toward his parole eligibility date. The district court found Magana had previously received several parole hearings and the hearings rendered his claim concerning the computation of his time served moot. The record before this court supports the district court's decision, and we conclude the district court did not err by denying this claim. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) ("[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence." (internal citation omitted)).

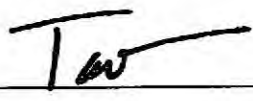
Second, Magana claimed he is entitled to civil relief for violations of his civil rights. However, this was a challenge to Magana's conditions of confinement, and a postconviction petition for a writ of habeas

corpus was not the proper vehicle to raise such a challenge. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Accordingly, the district court properly denied relief.

Third, Magana appears to argue on appeal that the district court erred by denying the petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims that are supported by specific allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded Magana's claims did not meet that standard, and the record before this court reveals the district court's conclusions in this regard were proper. Therefore, the district court properly denied the petition without conducting an evidentiary hearing. Accordingly, Magana is not entitled to relief, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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