

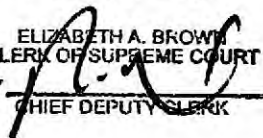
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KYLE JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81366-COA

FILED

FEB 08 2021

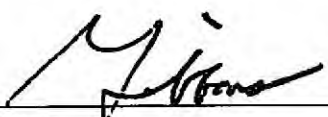
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Kyle Johnson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 27, 2020. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Johnson contends the district court erred in denying his petition because it failed to take certain facts into consideration. Johnson did not properly present these facts to the district court below, *see* NRS 34.750(3)-(5) (limiting when a petitioner may file additional pleadings), and we decline to consider them on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we cannot conclude the district court erred in denying Johnson's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Kyle Johnson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk