

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT DAMON CLARK,
Appellant,
vs.
CHARLES DANIELS, NDOC
DIRECTOR,
Respondent.

No. 82192-COA

FILED

JUN 09 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

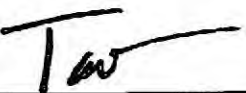
Robert Damon Clark appeals from an order of the district court dismissing an August 6, 2020, postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

First, Clark argues the district court erred by dismissing his petition for failure to exhaust administrative remedies. In his petition, Clark challenged the computation of time served, arguing that the Nevada Department of Corrections (NDOC) improperly denied work credits for days when he was willing to work but was unable to due to disabilities. Clark also contended that the denial of work credits as a result of his disabilities violated his constitutional rights. Pursuant to NRS 34.724(2)(c), an incarcerated person may pursue a postconviction petition for a writ of habeas corpus to challenge the computation of time served "after all available administrative remedies have been exhausted." The district court concluded that Clark did not exhaust administrative remedies prior to filing the postconviction petition, and the record supports the district court's decision. Therefore, we conclude the district court did not err by dismissing the petition. *See* NRS 34.810(4).

Second, Clark claimed the NDOC violated the Americans with Disabilities Act by failing to accommodate his disabilities. However, this claim challenged the 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, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Robert Damon Clark
Attorney General/Carson City
Carson City Clerk