

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT LINZY BELLON,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND OFFENDER MANAGEMENT  
DIVISION,  
Respondents.

No. 85116-COA

**FILED**

NOV 23 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Robert Linzy Bellon appeals from an order of the district court dismissing a petition for a writ of mandamus. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Bellon argues that the district court erred by dismissing his June 17, 2019, petition. In his petition, Bellon contended that the Nevada Department of Corrections improperly calculated his parole eligibility date.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. "Petitioners carry the burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). "We generally review a district court's grant or denial of writ relief

for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2003).

The district court found that Bellon challenged the computation of time served. The district court also found that Bellon had a plain, speedy, and adequate remedy in the ordinary course of law to challenge the computation of his time served because such a challenge must be raised in a postconviction petition for a writ of habeas corpus. See NRS 34.724(2)(c) (stating that a postconviction petition for a writ of habeas corpus “[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction”). Therefore, the district court found that Bellon did not meet his burden of demonstrating that extraordinary relief was warranted to address his claim. The record supports the district court’s decisions, and we conclude the district court did not abuse its discretion by dismissing Bellon’s petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Robert Linzy Bellon  
Attorney General/Carson City  
Clerk of the Court/Court Administrator