

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEREK LOWELL KIRK,
Appellant,
vs.
KYLE OLSEN, WARDEN,
Respondent.

No. 85529-COA

FILED

MAY 30 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
B. [Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

Derek Lowell Kirk appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 28, 2022. First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Kirk claimed that the Nevada Department of Corrections (NDOC) erred by failing to award him all of the statutory, work, and COVID-19 credits he was entitled to. The Nevada Supreme Court Clerk's Office has now twice attempted to send documents to Kirk at the prison and both times was informed by NDOC that Kirk has discharged his sentence. Kirk's discharge of his sentence renders his claim for additional credits moot. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (recognizing that expiration of a defendant's

sentence renders any question concerning the computation of credits moot).

Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. James E. Wilson, District Judge
Derek Lowell Kirk
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk