IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD WINDHAM MITCHELL,
Appellant,
vs.
CARSON CITY SHERIFF'S OFFICE,
Respondent.

No. 85657

FILED

AUG 21 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This pro se appeal challenges a district court order denying a petition for a "court's order" and a petition for a writ of habeas corpus entered in district court case number 22-OC-00060-1B. First Judicial District Court, Carson City; James E. Wilson, Judge.[1]

Appellant Chad Windham Mitchell filed a petition that requested an order (1) compelling respondent Carson City Sheriff's Office (CCSO) to preserve all audio/visual content, bodycam footage, and inmate mail relating to Mitchell; (2) permitting Mitchell to receive certain legal mail; and (3) ordering the CCSO to allow Mitchell supplies to prepare legal documents. Mitchell later filed a "declaration of emergency request for submission for writ of habeas corpus" which the district court appears to have construed as a postconviction petition for a writ of habeas corpus.[2] The district court subsequently denied the petitions, and Mitchell now appeals.

[1]Having considered the pro se brief filed by appellant, we conclude that a response is not necessary, NRAP 46A(c), and that oral argument is not warranted, NRAP 34(f)(3). This appeal therefore has been decided based on the pro se brief and the record. *Id.*

[2]No document included in the record transmitted by the district court clerk is titled as a postconviction habeas petition.

Mitchell appears to argue that the district court erred by denying his petition for a court's order because CCSO's policies allegedly prevent him from seeking relief, and because CCSO has violated his health and safety. As the district court dismissed the petition for failing to state a claim for relief, we rigorously review the findings on appeal, with all alleged facts presumed true and inferences drawn in Mitchell's favor. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). While Mitchell alleged CCSO's policies were harming him, he did not identify any independent actionable harm for which he sought relief. Thus, we conclude that the district court did not err by denying his petition on the basis that he failed to state a claim for relief.

To the extent that the district court construed the emergency declaration filed by Mitchell as a postconviction petition for a writ of habeas corpus, it properly denied relief. Such a petition is not the correct vehicle for Mitchell's claims, given that he is not challenging how his conviction was obtained or arguing that his sentence is unconstitutional or that his time served has been improperly computed.[3] *See* NRS 34.360 (providing that "[e]very person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into *the cause of such imprisonment or restraint*" (emphasis added)); NRS 34.724(1) (providing that parties may file

[3]It is unclear whether Mitchell has a habeas petition that remains pending under a different district court case number. This court's records indicate that he filed a pretrial habeas petition that was docketed in the First Judicial District Court as case number 22-EW-00034-1B, which the district court denied. This court dismissed Mitchell's appeal from that order for lack of jurisdiction. *Mitchell v. Carson City Sheriff's Office*, No. 85489, 2022 WL 16859618 (Nev. Nov. 10, 2022) (Order Dismissing Appeal).

postconviction petitions for habeas corpus when asserting that the conviction was obtained or sentence was imposed unconstitutionally, or that the served time was computed improperly).

Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.

Stiglich, C.J.

Stiglich

Lee, J.

Lee

Bell, J.

Bell

cc: Hon. James E. Wilson, District Judge
Chad Windham Mitchell
Carson City District Attorney
Carson City Clerk