

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID STOVER,
Appellant,

vs.

WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, JIM
BENEDETTI; HOWARD SKOLNIK,
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 51662

FILED

NOV 06 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

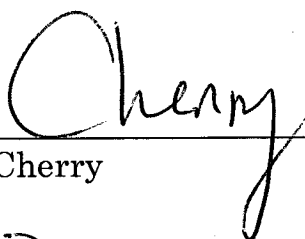
ORDER OF AFFIRMANCE

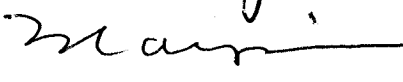
This is a proper person appeal from an order of the district court denying a petition for a writ of mandamus. First Judicial District Court, Carson City; James Todd Russell, Judge.


We have reviewed the record on appeal and we conclude that the district court did not err in denying appellant's petition for the reasons stated in the attached order. Therefore, briefing and oral argument are

not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. James Todd Russell, District Judge
David Stover
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

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1 Case No. 08 EW 00012 1B

2 Dept. No. 1

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ALAN GLOVER

CLERK

DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR CARSON CITY

9 DAVID STOVER,

10 Petitioner,

11 vs.

12 J. BENEDETTI, WARDEN;
13 HOWARD L. SKOLNIK, DIRECTOR NDOC;
and THE STATE OF NEVADA,,

14 Respondents.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

15 THIS MATTER comes before the Court on petitioner David Stover's (Stover) petition for writ
16 mandamus in which he alleged that the Nevada Department of Corrections has not granted him all the
17 time credits due him under NRS 209.4465, as amended by AB 510 of the 2007 legislative session. This
18 Court has reviewed all pleadings, documents and exhibits on file in the above-entitled matter. Based on
19 this Court's review, the Court makes the following findings of fact, conclusions of law, and order.

20 Stover is incarcerated with the Nevada Department of Corrections (NDOC) after being
21 convicted in the Second Judicial District Court of Attempted Grand Larceny.

22 A review of Stover's credit history report provided by Respondents indicates that the Nevada
23 Department of Corrections is applying days of credit consistent with the provisions of NRS 209.4465.
24 Stover has provided no evidence to the contrary and his claim is belied by the record. To the extent
25 Stover claims he was denied work credits, his claim is unsupported by any specific factual allegations
26 and he is thus not entitled to relief. *Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984). As a result,
27 Stover's petition must be denied.

28 ...

1 As an independent ground for denial of Stover's petition, the Court finds that Stover has a plain,
2 speedy and adequate remedy in the ordinary course of law through a petition for writ of habeas corpus
3 (post-conviction) and is therefore not entitled to a writ of mandamus.

4 The Court deeming itself fully informed,

5 IT IS HEREBY ORDERED that Stover's petition for writ of mandamus is **DENIED**.

6 DATED this 22nd day of April, 2008.

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9 _____
10 DISTRICT JUDGE
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