

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BERNARD GRUTGEN,
Petitioner,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS, AND NEVADA STATE
PRISON,
Respondents.

No. 53431

FILED

APR 14 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Tracie K. Lindeman
DEPUTY CLERK

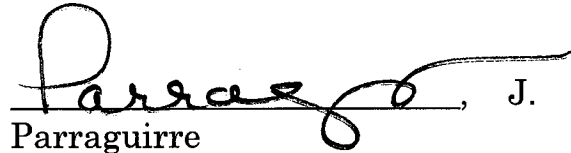
ORDER DENYING PETITION

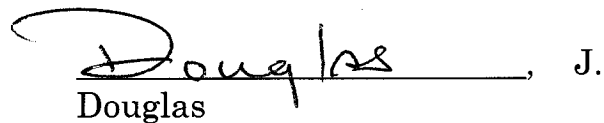
This is a proper person petition for a writ of habeas corpus. Petitioner claims that he is being held past his expiration date due to an error in computing his sentence and credits. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. A challenge to the computation of time served must be filed in a post-conviction petition for a writ of habeas corpus filed in the district

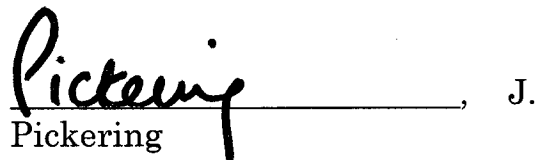
court in the first instance.¹ NRS 34.724(2)(c); NRS 34.738(1).

Accordingly, we

ORDER the petition DENIED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Robert Bernard Grutgen
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.