

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKY JAMES NGAUE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60177

FILED

JUN 14 2012

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

ORDER OF REVERSAL AND REMAND


This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.


In his petition filed on October 6, 2009, appellant challenged the computation of time served. The district court dismissed the petition as procedurally time-barred. We conclude that the district court erred in dismissing the petition as procedurally time-barred as a petition that challenges the computation of time served is not subject to the time bar set forth in NRS 34.726(1) (providing that a petition that challenges the validity of the judgment of conviction and sentence must be filed within one year). Moreover, NRS 34.738(1) requires that a petition that challenges the computation of time served must be filed with the clerk of the district court for the county in which the petitioner is incarcerated. Appellant indicated that he was incarcerated at Indian Springs, a facility

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

in the Eighth Judicial District. Thus, the district court should have ordered the petition to be transferred to the Eighth Judicial District Court. NRS 34.738(2)(b). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Steven R. Kosach, District Judge
Ricky James Ngaue
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk