

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN VEGA A/K/A JUAN A. VEGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61351

FILED

MAY 14 2013

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

ORDER OF AFFIRMING IN PART AND DISMISSING IN PART

This is a proper person appeal from orders denying a “First Amendment Petition” pursuant to NRS 34.185 and a motion for return of property.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

First Amendment Petition

In his petition filed on April 9, 2012, appellant sought additional presentence credit. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition because the claims raised fell outside the scope of NRS 34.185 and because a claim for presentence credits must be raised in a post-conviction petition for a writ of habeas corpus filed in compliance with the procedural requirements of NRS chapter 34. See NRS 34.724(2)(b); *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Accordingly, we affirm the denial of appellant’s petition.

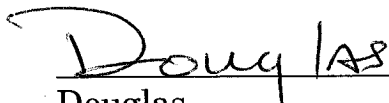
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

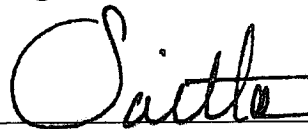
Motion for Return of Property

Because no statute or court rule permits an appeal from an order denying a motion for return of property, we lack jurisdiction over this portion of the appeal. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER the judgment of the district court AFFIRMED in part and we DISMISS the appeal in part.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. James M. Bixler, District Judge
Juan Vega
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk