

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC MCCURDY,
Petitioner,
vs.
BRIAN WILLIAMS, WARDEN,
SOUTHERN NEVADA
CORRECTIONAL CENTER; AND
JAMES GREG COX, DIRECTOR OF
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 67879

FILED

JUL 23 2015

TRACIE K. LINDEMANN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This is a pro se petition for a writ of mandamus. Petitioner seeks an order directing the respondents to assign him to a minimum security facility or institution as required by NRS 484C.400(1)(c) and to provide him credits as if he had been assigned to a minimum security facility or institution. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. Petitioner should seek relief in the district court as this court cannot resolve any factual disputes. *See* NRS 34.160; *see also* NRS 34.724(2)(c) (providing that a post-conviction petition for a writ of habeas corpus is the sole remedy available to challenge the computation of time served); *Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev., Adv. Op. 27, 279 P.3d 166, 172 (2012) ("An appellate court is not particularly

well-suited to make factual determinations in the first instance.”).

Accordingly, we

ORDER the petition DENIED.

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Marc McCurdy
Attorney General/Carson City