

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEXTER OWENS,
Appellant,
vs.
JAMES G. COX,
Respondent.

No. 69007

FILED

MAR 17 2016

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

ORDER OF REVERSAL AND REMAND

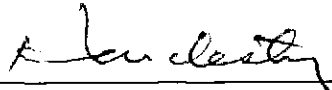
This is a pro se appeal from an order of the district court denying a petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

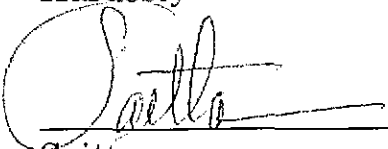
Appellant Dexter Owens is incarcerated in Ely State Prison. In a petition filed on July 30, 2015, in the Second Judicial District Court, Owens claimed that the Department of Corrections failed to aggregate his sentences or grant parole pursuant to NRS 176.035(2). The district court concluded that, as the petition did not challenge the validity of his judgment of conviction or sentence, the petition should not have been filed in the Second Judicial District and denied the petition without reaching the merits of the petition.

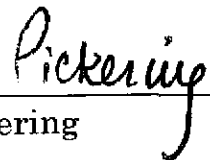
Based on our review of the record, we conclude Owen's petition was improperly denied. As Owens' petition challenged the computation of his sentence pursuant to NRS 176.035(2), the district court correctly concluded that it was not properly filed in the Second Judicial District Court. However, instead of summarily denying the petition, the district court should have transferred it to the Seventh Judicial District Court, White Pine County. See NRS 34.738(2) (providing that district court clerk

must transfer petition to clerk of district court for appropriate county).
Accordingly, we

ORDER the judgment of the district court REVERSED AND
REMAND this matter to the district court with instructions to transfer the
petition to the Seventh Judicial District Court.


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Pickering

cc: Hon. Elliott A. Sattler, District Judge
Dexter Owens
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk