


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DWAYNE BYARS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69276

FILED

JUL 26 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Tenth Judicial District Court, Churchill County; Robert E. Estes, Senior Judge.

Appellant Michael Byars claims the district court erred in denying his petition filed on March 23, 2015, because it had jurisdiction to address the actions of Nevada Department of Corrections (NDOC) employees and the Nevada Board of Parole Commissioners' failure to adhere to the Nevada Revised Statutes.

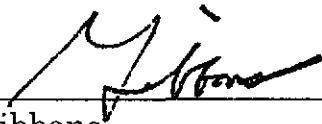
In his petition, Byars claimed NDOC employees and the parole board violated his due process and equal protection rights by rejecting his request to aggregate his consecutive sentences pursuant to NRS 213.1213(2)(b).² The district court determined Byars' claim fell outside the scope of issues permissible in a postconviction habeas petition

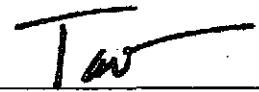
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²We note the provisions of NRS 213.1213(2) do not apply in Byars' case because he was not sentenced to "consecutive sentences of life imprisonment with the possibility of parole."

and dismissed his petition. We conclude the district court did not err in this regard. See NRS 34.720 (limiting postconviction habeas petitions to challenges to a judgment of conviction or sentence or to the computation of time served). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Tenth Judicial District Court
Hon. Robert E. Estes, Senior Judge
Michael Dwayne Byars
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk