

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JARRETT MILLER,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73264

FILED

AUG 16 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of mandamus seeks an order directing the district court to hear and resolve petitioner's postconviction petition for a writ of habeas corpus that challenged the application of statutory credits to petitioner's sentence. Petitioner asserts he filed a petition for a writ of habeas corpus challenging the application of statutory credits to his sentence in the district court on March 30, 2017, and, although the petition was originally set for a hearing, the hearing was vacated and no action has been taken on his petition since May 16, 2017. Petitioner alternatively seeks an order directing the State to apply statutory credit of 20 days per month to petitioner's minimum and maximum terms.


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 at this time. See NRS 34.160; NRS 34.170; NRAP 21(b); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). We note a postconviction petition for a writ of habeas corpus filed in the

district court in which the petitioner is incarcerated “[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction.” NRS 34.724(2)(c); *see* NRS 34.738(1). We expect the district court will resolve all pending matters as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Jarrett Miller
Attorney General/Carson City
Eighth District Court Clerk