

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MACK CURTIS PAIGE,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN; THE  
STATE OF NEVADA DEPARTMENT  
OF CORRECTIONS; AND THE STATE  
OF NEVADA,  
Respondents.

No. 71306

**FILED**

AUG 16 2017

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

*ORDER OF AFFIRMANCE*

Mack Curtis Paige appeals from an order of the denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Senior Judge.

In his May 19, 2016, petition, Paige claimed the Nevada Department of Corrections (NDOC) improperly failed to provide him opportunities to earn work or study credits. The respondents opposed Paige's petition, the district court did not grant Paige the opportunity to amend or supplement his petition, and the district court concluded Paige's claim regarding work and study credits lacked merit.


On appeal, Paige argues the NDOC improperly declined to apply his statutory credits toward his minimum terms. Paige did not raise this claim in his petition, but appears to have attempted to raise it in a reply to the State's opposition to his petition and in a motion seeking an injunction. The district court has the discretion to allow a petitioner to file


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

additional pleadings raising new claims, but Paige did not request to do so and the district court did not grant Paige permission to supplement or amend his initial petition. See NRS 34.750(5); *State v. Powell*, 122 Nev. 751, 758, 138 P.3d 453, 458 (2006). Because the district court did not grant Paige the opportunity to supplement or amend his initial petition, any claims he did not raise in his initial petition were not properly presented to the district court. As Paige did not properly raise this claim in his petition before the district court, we decline to consider it in the first instance. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathy A. Hardcastle, Senior Judge  
Mack Curtis Paige, Jr.  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk