

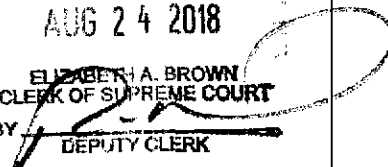
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEITH PAUL BIRD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75121

FILED

AUG 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Keith Paul Bird appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 4, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

The district court denied Bird's petition because Bird is no longer under a sentence of imprisonment in this case. Bird argues the district court erred by denying the petition because he is still restrained of his liberty because he is subject to lifetime supervision and he has been limited in his opportunities while in and out of prison based on this conviction.<sup>2</sup>

NRS 34.724(1) limits the right to file a postconviction petition for a writ of habeas corpus to persons who are "convicted of a crime and under a sentence of imprisonment." *See also Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999) (concluding a petitioner was not entitled to file


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

<sup>2</sup>It appears Bird is in prison on other charges.

a postconviction petition for a writ of habeas corpus when he was no longer incarcerated pursuant to the judgment of conviction contested). Bird expired his sentence in this case in March of 2012, and “a person who is subject only to lifetime supervision is not under a sentence of imprisonment.” *Coleman v. State*, 130 Nev. 190, 195, 321 P.3d 863, 867 (2014). Likewise, the fact that “opportunities” were limited by Bird’s conviction in this case does not mean he was subject to imprisonment under NRS 34.724(1). *See id.* Therefore, we conclude the district court did not err by finding Bird was not under a sentence of imprisonment. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Michelle Leavitt, District Judge  
Keith Paul Bird  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk