

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNEST ROSAS, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74914

FILED

SEP 17 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.<sup>1</sup>

Appellant filed his petition in the district court for the county in which he was convicted. Because appellant's petition did not challenge the validity of his judgement of conviction or sentence, but rather challenged the failure to award him credits under NRS 209.4465(1), the petition was required to be filed in the county in which he was incarcerated. *See* NRS 34.738(1). Thus, appellant filed his petition in the wrong district

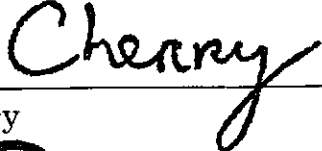
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<sup>1</sup>Having considered the pro se brief filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. *See* NRAP 34(f)(3).

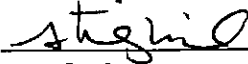


court and the district court clerk was required to transfer it to the clerk of the district court for the appropriate county. See NRS 34.738(2)(b). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMANDED and direct the clerk of the Second Judicial District Court to transfer the petition, filed on October 11, 2017, to the clerk of the appropriate district court.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Kathleen M. Drakulich, District Judge  
Ernest Rosas, Jr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk