

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS FERMIN HERRERA,
Petitioner,

vs.

THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND BRIAN WILLIAMS, WARDEN,
Respondents.

No. 75993

FILED

JUL 17 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION


This is an original petition for a writ of mandamus and/or prohibition challenging the computation of time Luis Fermin Herrera has served. Herrera asserts he is entitled to have credit applied to his minimum term pursuant to NRS 209.4465.


We have considered the petition on file herein, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction in this matter. See NRS 34.160; NRS 34.320; NRAP 21(b)(1); *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."). A postconviction petition for a writ of habeas corpus filed in the district court in the county 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

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judgment of conviction." NRS 34.724(2)(c); see NRS 34.738(1). Accordingly,
we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Luis Fermin Herrera
Attorney General/Carson City
Eighth District Court Clerk