

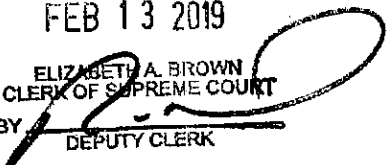
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW JAMES KING,
Appellant,
vs.
TIMOTHY FILSON, WARDEN; AND
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 75964-COA

FILED

FEB 13 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Matthew James King appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

King argues the district court erred by dismissing his January 5, 2018, petition. In his petition, King contended the Nevada Department of Corrections improperly refused to permit him to attend a parole hearing. The district court concluded King's claim was not cognizable in a postconviction petition for a writ of habeas corpus because it did not challenge a judgment of conviction or challenge the computation of time served due to a criminal conviction. *See* NRS 34.720(1), (2). Given the record before this court, we conclude the district court properly dismissed the petition.²


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

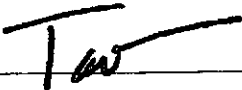
²To the extent King sought to file a petition for a writ of habeas corpus pursuant to NRS 34.360, he was not entitled to relief because his claim did not "inquire into the cause of [his] imprisonment or restraint."


Next, King argues the district court erred by denying the petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific allegations not belied by the record, that if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded King's claim failed to meet that standard and the record before this court reveals the district court's conclusions in this regard were proper.

Finally, King argues that the district court did not make proper findings of fact or conclusions of law in its order dismissing the petition. However, we conclude that the district court's order was sufficient to allow this court to properly review King's claims and, as discussed previously, the district court properly denied relief. Therefore, the district court did not err by dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.³


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

³We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. *See* NRS 34.750(1); *Renteria-Nova v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017).

cc: Hon. Gary Fairman, District Judge
Matthew James King
Attorney General/Ely
White Pine County Clerk