

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL MCNEAL,
Appellant,
vs.
TIMOTHY FILSON, WARDEN,
Respondent.

No. 76509-COA

FILED

MAY 21 2019

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

ORDER OF AFFIRMANCE

Michael McNeal appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on June 15, 2017.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

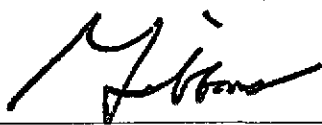
First, McNeal argues the Eighth Judicial District Court erred by transferring this case to the Seventh Judicial District Court, and therefore, the Seventh Judicial District Court lacked jurisdiction to hear his petition. This claim lacked merit. McNeal's petition does not challenge a judgment of conviction, and therefore, his petition should have been filed in the county where he was incarcerated. *See* NRS 34.738(1). At the time McNeal filed his petition, he was incarcerated in White Pine County, which is within the Seventh Judicial District; and the petition was properly transferred to that judicial district court. *See* NRS 34.738(2).

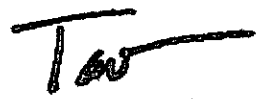
Second, McNeal argues the district court erred by dismissing his petition. The district court dismissed McNeal's petition because he was


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

challenging a disciplinary hearing and McNeal failed to demonstrate he lost any statutory credits as the result of the disciplinary hearing. While McNeal was referred for forfeiture of his credits, there is no evidence in the record he actually forfeited any credits. Because a postconviction petition for a writ of habeas corpus may only challenge a judgment of conviction or the computation of time served, McNeal's claim was outside the scope of a postconviction petition for a writ of habeas corpus. See NRS 34.720; NRS 34.724(1); *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (“[A] petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof.”). Therefore, we conclude the district court did not err by dismissing McNeal's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Michael McNeal
Attorney General/Ely
White Pine County Clerk