

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL STEVEN FRENCH,  
Appellant,  
vs.  
JAMES DZURENDA, DIRECTOR  
NDOC; DWAYNE DEAL, O.M.D.  
DIRECTOR, NDOC; AND PERRY  
RUSSELL, WARDEN WSCC, THE  
STATE OF NEVADA,  
Respondents.

No. 77567-COA

**FILED**

JUN 12 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Michael Steven French appeals from a district court order dismissing a petition for a writ of mandamus filed on August 7, 2018.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

French claimed in his petition that the Director of the Nevada Department of Corrections had improperly calculated the length of his imprisonment. He argued that he should not have a sentence pending in district court case number C210579 after discharging or being paroled from all of his sentences in district court case number C210436 because his sentences in C210579 were imposed to run concurrently with his sentences in C210436 and the sentence totals for both of these cases were the same.

“[A] writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station or to control an arbitrary or capricious exercise of discretion.” *Hickey v. Eighth Judicial Dist. Court*, 105 Nev. 729, 731, 782 P.2d 1336,

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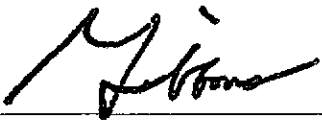
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


19-25549


1337 (1989) (internal citation omitted). A writ of mandamus will not issue when the petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. “We generally review a district court’s grant or denial of writ relief for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

The district court dismissed French’s petition after finding (1) a petition for a writ of habeas corpus provided a plain, speedy, and adequate remedy to address French’s claim and (2) French’s claim lacked merit because the number of sentences in the two cases were not equal and therefore the remaining sentence in C210579 could not be run concurrently with any sentence in C210436. Because a petition for a writ of habeas corpus is the sole remedy available for challenging the computation of time served, we conclude the district court did not abuse its discretion by denying French’s petition. See NRS 34.170; NRS 34.720; NRS 34.724(2)(c). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James Todd Russell, District Judge  
Michael Steven French  
Attorney General/Carson City  
Carson City Clerk