

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW SCOTT WHITE,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 71346

FILED

APR 19 2017

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

ORDER OF REVERSAL AND REMAND


Appellant Matthew White appeals from an order of the district court dismissing the postconviction petition for a writ of habeas corpus he filed on August 30, 2016.¹ Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

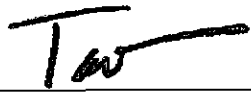
White claims the district court erred by dismissing his postconviction petition because the district court clerk should have transferred his petition to the appropriate district court. We agree. Because White's petition did not challenge the validity of his judgment of conviction or sentence, but rather challenged the computation of time served, the petition was required to be filed in the district court in the county in which he is incarcerated—the Eighth Judicial District Court. See NRS 34.738(1). White filed his petition in the district court for the county in which he was convicted—the Fifth Judicial District Court. Thus, appellant filed his petition in the wrong district court, and for this reason, NRS 34.738(2)(b) requires the district court clerk to transfer a

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

petition that is filed in the wrong district court to the appropriate district court. Therefore, we direct the clerk of the Fifth Judicial District Court to transfer appellant's petition, filed on August 30, 2016, to the clerk of the Eighth Judicial District Court, if the clerk has not already done so. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kimberly A. Wanker, District Judge
Matthew Scott White
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk