

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW DOUGLAS BAKER,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUGLAS W. HERNDON, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA; AND PERRY  
RUSSELL, WARDEN OF WARM  
SPRINGS CORRECTIONAL CENTER,  
Real Parties in Interest.

No. 79107

**FILED**

SEP 12 2019

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

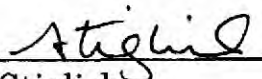
*ORDER DENYING PETITION*

This petition for a writ of prohibition challenges a district court order transferring a postconviction petition for a writ of habeas corpus to the county where petitioner is incarcerated. Petitioner acknowledges that the habeas petition challenges the parole eligibility date and application of NRS 213.12135, not the judgment of conviction or sentence. Because he did not challenge the validity of his conviction, the district court did not err in determining the petition was not properly filed in the Eighth Judicial District Court. See NRS 34.738(1) (providing that a habeas petition that challenges the validity of the conviction or sentence must be filed in the county in which the conviction occurred and all other petitions must be filed

in the county in which the petitioner is incarcerated).<sup>1</sup> Thus, petitioner does not show this court's intervention by way of an extraordinary writ is warranted. See NRS 34.320; *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 944 (2004) (recognizing that a petitioner bears the burden of demonstrating that writ relief is warranted). Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

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

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, Sr.J.  
Douglas

cc: Hon. Douglas W. Herndon, District Judge  
The Law Office of Kristina Wildeveld & Associates  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We express no opinion as to whether petitioner's challenge is properly brought in a postconviction petition for a writ of habeas corpus challenging the computation of time served.

<sup>2</sup>The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.