

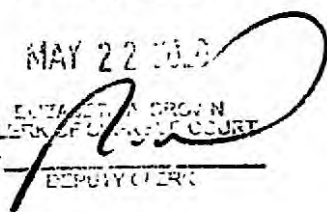
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ORESTE PEREZ,
Petitioner,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 81051-COA

FILED

MAY 22 2019

ENTRUSTED CLERK OF DISTRICT COURT
BY  CLERK


ORDER DENYING PETITION

In this original petition for a writ of mandamus, Oreste Perez seeks an order directing the Nevada Department of Corrections (NDOC) to correct the structure of his sentences. He asserts NDOC has not correctly applied his sentences as set forth in the judgment of conviction and as reconfirmed in a minute order entered on August 13, 2018.

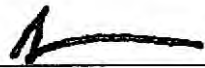
We decline to exercise our original jurisdiction in this matter. See NRS 34.170 (a writ of mandamus will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law); NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). Perez’ claim is a challenge to the computation of time served. A postconviction petition for a writ of habeas corpus filed in the district court in the county in which the petitioner is incarcerated “[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a

judgment of conviction." NRS 34.724(2)(c); see NRS 34.738(1). Accordingly, without deciding upon the merits of the claim raised, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Hon. David Barker, Senior Judge
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk