

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN FRANCIS ARPINO,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN; AND JAMES  
DZURENDA, NDOC DIRECTOR,  
Respondents.

No. 79154-COA

**FILED**

**MAY 27 2020**

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

*ORDER OF AFFIRMANCE*

John Francis Arpino appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.


In his April 10, 2019, petition, Arpino challenged the computation of his time served and contended he was entitled to additional credits. The district court found Arpino had previously received a parole hearing and the hearing rendered his claim concerning the computation of his time served moot. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (“[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence.” (internal citation omitted)). The record before this court supports the district court’s findings, and we conclude the district court did not err by denying this claim.


Arpino also claimed the Nevada Department of Corrections failed to accommodate his disability, thus violating the Americans with Disabilities Act. However, this was a challenge to Arpino’s conditions of confinement, and a postconviction petition for a writ of habeas corpus was not the proper vehicle to raise such challenges. *See Bowen v. Warden*, 100

Nev. 489, 490, 686 P.2d 250, 250 (1984). Accordingly, the district court properly denied relief, and we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

cc: Hon. James Todd Russell, District Judge  
John Francis Arpino  
Attorney General/Carson City  
Carson City Clerk

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<sup>1</sup>We have reviewed Arpino's supplement filed in this court on February 20, 2020, and we conclude no relief based upon that document is warranted.