

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICKY JAMES NGAUE,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 79551-COA

**FILED**

**MAY 27 2020**

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

*ORDER OF AFFIRMANCE*

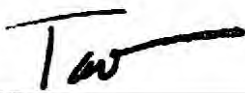
Ricky James Ngaue appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 2, 2019. First Judicial District Court, Carson City; James Todd Russell, Judge.

Ngaue's petition challenged the computation of time he has served. He claimed the Nevada Department of Corrections (NDOC) failed to credit him for the 30 days to which he was entitled for firefighting basic training. The district court found that NDOC updated Ngaue's credit history to reflect the award of the 30 days of credit. This finding is supported by substantial evidence in the record. We therefore conclude the district court did not err by denying Ngaue's petition as moot.

In his informal brief on appeal, Ngaue contends NDOC is covering up the real reason why he was not awarded the credits earlier. This argument was not raised in Ngaue's petition below, and we decline to consider it on appeal in the first instance. *See McNelton v. State*, 115 Nev.

396, 416, 990 P.2d 1263, 1276 (1999); *see also* NRS 34.750(5) ("No further pleadings may be filed except as ordered by the court."). Accordingly, we  
ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. James Todd Russell, District Judge  
Ricky James Ngaue  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk