

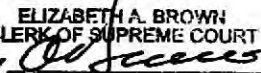
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERNEST JORD GUARDADO,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 80643-COA

FILED

DEC 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ernest Jord Guardado appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

Guardado argues the district court erred by denying his December 8, 2017, petition. In his petition, Guardado contended his inmate file improperly contained information stating that he is an escape risk. This was a challenge to Guardado's conditions of confinement, and a postconviction petition for a writ of habeas corpus was not the proper vehicle to raise such a challenge. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

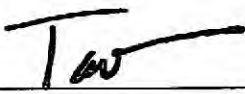
To the extent Guardado also sought mandamus relief, we conclude Guardado fails to demonstrate the district court abused its discretion by denying the petition. *See Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006) ("We generally review a district court's grant or denial of writ relief for an abuse of discretion."). Guardado failed to demonstrate prison officials failed to perform an act which the law requires as a duty resulting from an office, trust, or station, *see* NRS 34.160, or that mandamus relief was necessary to control a manifest abuse or arbitrary or

capricious exercise of discretion, see *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Accordingly, the district court properly denied relief.

Next, Guardado argues that the district court erred by denying the petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded Guardado's claim did not meet that standard, and the record before this court reveals the district court's conclusions in that regard were proper. Therefore, the district court properly denied the petition without conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Rob Bare, District Judge
Ernest Jord Guardado
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk