

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COURTNEY MOTLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82165-COA

FILED

JUN 07 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Courtney Motley appeals from an order of the district court denying his postconviction petitions for a writ of habeas corpus filed on November 27, 2019, and December 26, 2019, and various supplements. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petitions, Motley first challenged the Nevada Department of Corrections' calculation of his minimum parole eligibility date. The district court found Motley received a parole hearing on his sole sentence, and Motley does not challenge this finding on appeal. The hearing rendered Motley's claim concerning the application of credits toward his minimum parole eligibility date 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)). Therefore, we conclude the district court did not err in denying this claim.

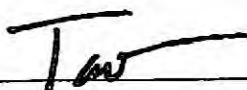
Motley argues the district court erred in denying his claims that the State breached its contract; his guilty plea should be withdrawn; and his sentence should be vacated. These claims challenged the validity of the

judgment of conviction and sentence and, therefore, were not properly raised in a postconviction petition for a writ of habeas corpus challenging the computation of time served. See NRS 34.738(3) ("A petition must not challenge both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to that judgment."). Therefore, we conclude the district court did not err by denying these claims.

Finally, Motley argues the district court erred in denying his claim of false imprisonment. This claim is a challenge to the conditions of confinement and is outside the scope of a postconviction habeas petition. See *Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984). Therefore, we conclude the district court did not err in denying this claim.

Having concluded Motley is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Steve L. Dobrescu, District Judge
Courtney Motley
Attorney General/Carson City
Attorney General/Las Vegas
Attorney General/Ely
White Pine County Clerk