


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICO LECOUNT YATES, JR.,  
Appellant,  
vs.  
WARDEN HDSP; AND THE STATE OF  
NEVADA,  
Respondents.

No. 87742-COA

**FILED**

AUG 30 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Roderico Lecount Yates, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation for time served filed on September 13, 2023.<sup>1</sup> Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

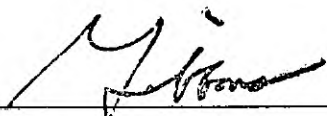
In his petition below, Yates neither alleged nor demonstrated that he had exhausted his administrative remedies prior to filing the petition. *See* NRS 34.724(1). Accordingly, we conclude the district court did not err by denying his petition. *Id.*; *see also* NRS 34.810(2) (providing that the “court shall dismiss a [habeas] petition that challenges the computation of time served . . . without prejudice if the court determines that the

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<sup>1</sup>Yates’s pleading was titled as a “petition for writ of habeas corpus NRS 209.4465(8)(9).” The district court properly construed it as a postconviction petition for a writ of habeas corpus challenging the computation of time served under NRS Chapter 34. *See* NRS 34.724(2)(c) (providing that a postconviction petition for a writ of habeas corpus under this statute is the sole remedy available to challenge the computation of time served).

petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724").<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Erika D. Ballou, District Judge  
Roderico Lecount Yates, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>In his petition, Yates sought the application of credits to his minimum sentence pursuant to Assembly Bill 271 (A.B. 271). The district court accurately found that A.B. 271 was never passed into law and thus did not provide a basis for relief, and Yates does not challenge this finding on appeal.

To the extent that Yates argues the district court was required to hold a hearing, we conclude that the district court did not err by denying Yates's petition without a hearing because Yates failed to set forth facts that would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).