

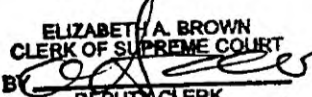
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN LAWRENCE DIXON,
Appellant,
vs.
WILLIAM REUBART, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 87091-COA

FILED

NOV 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Lawrence Dixon appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 11, 2022, and a supplement. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

On October 1, 2024, this court issued an order to show cause why Dixon was entitled to file his July 11, 2022, postconviction habeas petition challenging his conviction for fourth-degree arson, as it appeared from the record that Dixon had expired his sentence for this conviction at the time the instant petition was filed. In his answer to the order to show cause, Dixon contends he “was in custody due to the sentence structure until he was discharged from prison on August 12, 2013 [sic]” and, thus, he “was in custody on the filing date of the [petition] on July 11, 2022.”

On November 19, 2018, Dixon was convicted of fourth-degree arson in district court case no. CR 18-6963. The district court sentenced Dixon to a term of 12 to 34 months in prison and awarded him 22 days’ credit for time served. Dixon does not contend that he was serving this 12-to-34-month prison term at the time he filed the instant petition. Likewise, the document attached to Dixon’s answer does not show or indicate that

Dixon was serving a prison sentence for his conviction of fourth-degree arson at the time he filed his petition. Rather, this document shows only that, in addition to the prison term imposed for fourth-degree arson, Dixon had received another prison sentence in a separate criminal case and that he was discharged from prison on August 12, 2023. The fact that Dixon was in custody pursuant to a sentence imposed in a separate criminal case does not demonstrate that Dixon was entitled to file the instant petition. See *Coleman v. State*, 130 Nev. 190, 193, 321 P.3d 863, 865 (2014) (stating a person is not entitled to file a postconviction petition for a writ of habeas corpus challenging the validity of a conviction or sentence if they are “no longer under a sentence of death or imprisonment *for the conviction at issue*” (emphasis added)); see also NRS 34.724(1).

Dixon fails to demonstrate that he was serving a prison sentence for his conviction of fourth-degree arson at the time he filed the instant petition. Therefore, a postconviction petition for a writ of habeas corpus was not an available remedy. See Nev. Const. art. 6, § 6(1) (permitting district courts to issue writs of habeas corpus for a person “who has suffered a criminal conviction . . . and has not completed the sentence imposed pursuant to the judgment of conviction”). Accordingly, we conclude the district court did not err by denying Dixon’s petition, and we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Gibbons



_____, J.
Bulla



_____, J.
Westbrook

cc: Hon. Michael Montero, District Judge
Karla K. Butko
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk