

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARAC ANTHONY LAMPKIN,
Appellant,
vs.
WARDEN HDSP: AND THE STATE OF
NEVADA,
Respondents.

No. 88784-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

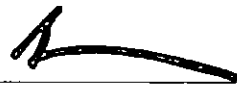
Marac Anthony Lampkin appeals from a district court order dismissing without prejudice a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on March 7, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Lampkin sought the application of statutory credits to his sentence in accordance with NRS Chapter 209. The State moved to dismiss the petition because Lampkin failed to first exhaust his administrative remedies as required by NRS 34.724(1), (2)(c). In his response to the State's motion to dismiss, Lampkin argued he was not required to exhaust his administrative remedies because "state, federal or local laws are non grievable issues" pursuant to Administrative Regulation (AR) 740.03(4)(A), (B). He further argued that the issue of whether the Nevada Department of Corrections (NDOC) was applying statutory credits to his sentence pursuant to NRS Chapter 209 was an issue to be decided by the district court.

We disagree with Lampkin's contention that he was not required to exhaust his administrative remedies. Lampkin's claim—that the NDOC was not applying NRS Chapter 209 statutory credits to his

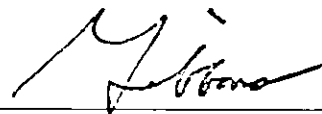
sentence—was a challenge to the computation of time he has served and thus had to be raised in a postconviction habeas petition challenging the computation of time served. See NRS 34.724(2)(c) (recognizing a postconviction habeas petition “[i]s the *only* remedy available to an incarcerated person to challenge the computation of time that the person has served” (emphasis added)). Pursuant to NRS 34.724, Lampkin was required to exhaust all available administrative remedies before proceeding with a postconviction habeas petition challenging the computation of time served. See NRS 34.724(1) (“Any person convicted of a crime and under sentence of death or imprisonment . . . who, *after exhausting all available administrative remedies*, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed may file a petition . . . to challenge the computation of time that the person has served.” (emphasis added)); NRS 34.724(2)(c) (same). Because the record supports the district court’s determination that Lampkin did not allege or prove he had exhausted his administrative remedies before filing the instant petition, we conclude the district court did not err by dismissing without prejudice Lampkin’s petition. See NRS 34.810(2). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.

Bulla



_____, J.

Gibbons



_____, J.

Westbrook

cc: Marac Anthony Lampkin
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk