

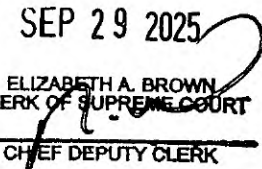
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER SEBELIUS,
Appellant,
vs.
WARDEN ROYAL ESP,
Respondent.

No. 90112-COA

FILED

SEP 29 2025

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

ORDER OF REVERSAL AND REMAND

Christopher Sebelius appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on November 21, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Sebelius contends the district court erred by failing to transfer his petition to the clerk of the district court for White Pine County. We agree. A petition challenging the computation of time served must be filed with the clerk of the district court for the county in which the petitioner is incarcerated. NRS 34.738(1)(a) (2023).¹ If a petition is not filed in the district court for the appropriate county, the clerk of that court must transfer the petition to the clerk of the district court for the appropriate county. NRS 34.738(2)(b) (2023).

Sebelius filed his petition in the district court for Clark County; however, the district court found Sebelius was incarcerated in Ely State Prison at the time he filed his petition, which is located in White Pine

¹We note that NRS 34.738 was amended in 2025 and that these amendments do not apply to petitions filed before May 26, 2025. See S.B. 66, 83rd Leg. (Nev. 2025).

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County. The district court's finding is supported by the record. Thus, Sebelius filed his petition in the wrong district court, and the district court clerk was required to transfer the petition to the clerk of the district court for White Pine County. Therefore, we reverse the dismissal of Sebelius' petition and direct the clerk of the Eighth Judicial District Court to transfer Sebelius' petition to the clerk of the district court for the appropriate county.² Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

²Although this court generally will not grant a pro se appellant relief without first providing respondents an opportunity to file an answering brief, *see* NRAP 46A(c) (stating the same), in light of the basis for our reversal, the filing of an answering brief would not aid this court's resolution of this issue, and thus, no such brief has been ordered. Moreover, we need not address Sebelius' remaining arguments. *See Tabish v. State*, 119 Nev. 293, 297, 72 P.3d 584, 586-87 (2003) (declining to address issues that are not necessary to resolve the appeal).

cc: Christopher Sebelius
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk