

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KOUIMAL BOYD,
Appellant,
vs.
WARDEN OLIVER; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 90438-COA

FILED

DEC 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kouimal Boyd appeals from a district court order granting a motion to dismiss without prejudice a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on January 18, 2025. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Boyd claimed he was entitled to statutory credits pursuant to NRS 209.4465(2) because he had made diligent efforts to participate in labor and study programs and participated in merit programs. Boyd also claimed he was entitled to additional credits pursuant to NRS 209.4477. Respondents moved to dismiss the petition without prejudice because Boyd failed to first exhaust his administrative remedies before filing his postconviction habeas petition challenging the computation for time served, as required by NRS 34.724(1), (2)(c). In his response to the motion to dismiss, Boyd argued he grieved his claims to the second level and, alternatively, he was not required to exhaust his administrative remedies because his claims presented non-grievable issues pursuant to

25-54745

Nevada Department of Corrections (NDOC) Administrative Regulation (AR) 740.03(4)(A), (B).

The district court found that Boyd did not complete the three-step grievance process mandated by the Administrative Regulations. This finding is supported by the record. *See Abarra v. State*, 131 Nev. 20, 22, n.1, 342 P.3d 994, 995 n.1 (2015) (“The prison’s grievance process requires an inmate to first file an informal grievance, followed by first- and second-level formal grievances.”); *see generally* NDOC AR 740. Moreover, Boyd’s claim—that the NDOC was not applying NRS Chapter 209 statutory credits to his sentence—was grievable because it challenged the application of credits toward his sentence, which is within the NDOC’s authority and control. *See generally* NRS Chapter 209.

Because Boyd failed to demonstrate he exhausted his administrative remedies before filing the instant petition, we conclude the district court did not err by dismissing Boyd’s petition without prejudice. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Kouimal Boyd
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk