

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LOUX,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, CRAIG
FARWELL,
Respondent.

No. 39872

FILED
FEB 27 2003

FEB 27 2003

ORDER OF AFFIRMANCE

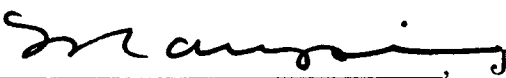
J. Richards

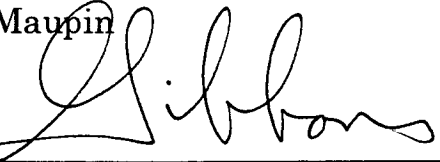
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Richard Wagner, District Judge
David Loux
Attorney General Brian Sandoval/Carson City
Pershing County Clerk

1 File No. PI 02-343

2 Dept. No. 1

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FILED
June 3rd
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 DISTRICT COURT CLERK
J. [Signature]

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF PERSHING

* * * *

DAVID LOUX,)
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 Petitioner,)
)
 vs.)
)
 WARREN FARWELL,)
)
 Respondent.)
)
)

ORDER

On February 26, 2002 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction). Thereafter, on March 21, 2002 Respondent, through the Deputy Attorney General, filed his Response to Petition for Writ of Habeas Corpus. Incorporated in said response is an Affidavit of Bennie McGuinness, a correctional case records manager for the Nevada Department of Corrections.

The Court, having reviewed the above documents and being fully advised in the premises, finds and concludes as follows:

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1 Petitioner claims that there have been errors in his
2 classification as well as errors regarding the length of time he
3 should be incarcerated.

4 In this case the Court agrees with the Affidavit of
5 Bennie McGuinness as well as the time expressed in the
6 Supplement to Response to Petition. The supplement indicates
7 that April 9, 2002 is the correct expiration date for
8 Petitioner's sentence. It further states that Petitioner is not
9 entitled to release before that date.

10 The Court finds that since the date in question has
11 already occurred, any issues that Petitioner now has regarding
12 the length of time he is incarcerated are now moot.

13 THEREFORE, IT IS HEREBY ORDERED that Petitioner's
14 Petition for Writ of Habeas Corpus is hereby dismissed.

15 IT IS SO ORDERED.

16 DATED this 3rd day of June, 2002.

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RICHARD A. WAGNER, DISTRICT JUDGE

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