

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN RAY MILLER,
Appellant,

vs.

SGT. LEWIS; C/O THOMAS; SHANNON
MOYLE, CCS I; AND THE STATE OF
NEVADA,
Respondents.

No. 50231

FILED

FEB 29 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

On August 30, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of time served. On September 12, 2006, the district court denied the petition because the petition was not in the proper form. On appeal, this court reversed and remanded for the district court to consider the petition on its merits.¹ The State filed an opposition to the petition, and appellant filed a reply. On September 12, 2007, the district court denied appellant's petition. This appeal followed.²

¹Miller v. Sgt. Lewis, Docket No. 48167 (Order of Reversal and Remand, June 22, 2007).

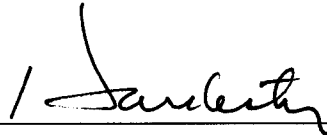
²On September 11, 2007, appellant filed a proper person motion to amend his petition in the district court. The district court did not permit appellant to amend the petition. Pursuant to NRS 34.750, we conclude that the district court did not abuse its discretion in declining to consider any amendment filed at such a late date in the proceedings.

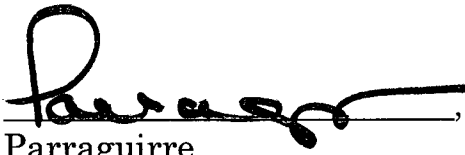
In his petition, appellant claimed that the Nevada Department of Corrections failed to provide him with statutory work and good time credits for March, April and May 2006. Appellant claimed that for each of these months that he should have received twenty days of statutory credits for work performed.

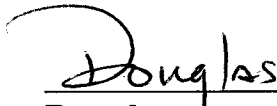
Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. The State submitted documentation indicating that appellant had received all of the credit that he was entitled to receive in the instant case.³ Because appellant failed to demonstrate that he was entitled to additional credits in the instant case, we affirm the order of the district court denying appellant's petition.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³See 2003 Nev. Stat., ch. 426, § 8, at 2577-78 (NRS 209.4465).

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. James Todd Russell, District Judge
John Ray Miller
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk