

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLYDE EUGENE GREGORY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51218

**FILED**

NOV 21 2008

MARK K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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; William A. Maddox, Judge.

On December 12, 2007, appellant filed a post-conviction petition for a writ of habeas corpus. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On January 28, 2008, the district court denied the petition. This appeal followed.

In his petition, appellant claimed that the Nevada Department of Corrections improperly calculated his credits. Appellant claimed that his good time credits should be applied to his maximum

sentence date, pursuant to Assembly Bill 510, rather than to his expiration date.<sup>1</sup>

The district court denied appellant's petition because appellant failed to follow the Nevada Department of Corrections Administrative Regulations procedure to ascertain and challenge his accumulation of good time credits. The district court claimed that appellant could only challenge the computation of his credits in the district court after following the procedure in those regulations. However, nothing in NRS Chapter 34 requires that appellant utilize the administrative grievance process prior to filing a petition in the district court. Nevertheless, we affirm the district court because it reached the correct result.

Appellant failed to demonstrate that his credits were improperly calculated. Appellant provided no information concerning how many good time credits he has earned or how they have been calculated. As such, appellant put forth only bare or naked claims, unsupported by facts.<sup>2</sup> Therefore, the district court did not err in denying appellant's petition.


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<sup>1</sup>See 2007 Nev. Stat., ch. 525, § 5, at 3176-77 (increasing monthly statutory good time credits earned pursuant to NRS 209.4465).

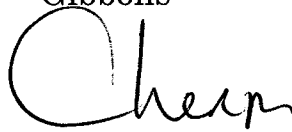
<sup>2</sup>Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

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.<sup>3</sup> Accordingly, we

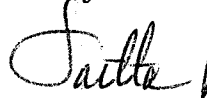
ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, C.J.

Gibbons

  
\_\_\_\_\_, J.

Cherry

  
\_\_\_\_\_, J.

Saitta

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<sup>3</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>4</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. William A. Maddox, District Judge  
Clyde Eugene Gregory  
Attorney General Catherine Cortez Masto/Reno  
Carson City Clerk