

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORINZO DAVIS,
Appellant,
vs.
WARDEN, SOUTHERN DESERT
CORRECTIONAL CENTER, BRIAN
WILLIAMS, AND THE STATE OF
NEVADA,
Respondents.

No. 53304

FILED

AUG 07 2009

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. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

On November 6, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. 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 20, 2009, the district court denied the petition. This appeal followed.¹

¹Because a memorandum in support of the petition was mentioned in the petition, but not included in the record on appeal, this court directed
continued on next page . . .

In his petition, appellant claimed that the Department of Corrections improperly calculated his statutory credits in determining his projected expiration date. Appellant performed his own calculations and determined that he should expire his term earlier than 2011.

Based upon our review of the documents before this court, we conclude that the district court did not err in denying the petition. Appellant failed to demonstrate that he was entitled any additional credits in the instant case or that the credits were not properly applied to his sentence. The credit history report indicated appellant received statutory good time credits in compliance with NRS 209.4465. Therefore, we affirm the order of the district court.

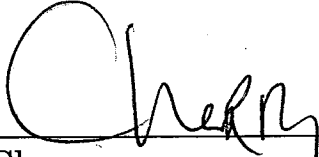
Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that


... continued


the clerk of the district court to supplement the record on appeal with the memorandum or inform this court that no memorandum had been filed in the district court. The clerk of the district court informed this court that the memorandum had been filed in the criminal case, not in the civil case initiated by the filing November 6, 2008 petition. The clerk of the district court transmitted a copy of the memorandum for inclusion with the documents filed in this court.

briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Lorinzo Davis
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²We 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.