

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE DIAZ,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 56261

FILED

JAN 13 2011

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.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his petition filed on May 1, 2009, appellant claimed that the Nevada Department of Corrections failed to provide him with work credits for various periods of his incarceration. Appellant failed to demonstrate that he was entitled to the relief sought. NRS 209.4465, the statutory credit statute applicable to appellant for the sentence he is currently serving, did not create a liberty interest in earning work time credits, but rather provides that an inmate who does perform labor may earn work credits. Appellant acknowledged that he did not work during the periods in question. Appellant further failed to demonstrate that he has any liberty interest in being provided prison employment; notably, such employment depends upon a variety of factors that are within the control

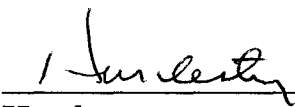
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

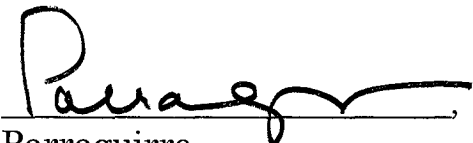
of prison authorities.² Therefore, the district court did not err in denying this claim.

Next, appellant claimed that the Department improperly computed his statutory good time credits. Appellant claimed that he should receive 20 days of credit for each month retroactive to the beginning of his sentence. Appellant failed to demonstrate that he was entitled to the retroactive application of NRS 209.4465 because he was convicted of a category B felony.³ NRS 209.4465(8)(d); 2007 Nev. Stat., ch. 525, § 21, at 3196. Therefore, the district court did not err in denying this claim. We

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

²The fact that the projected expiration date factors in work credits does not create any liberty interest in the earning of those credits.

³Further, appellant's argument that he was once placed on parole does not demonstrate that he is entitled to retroactive application of NRS 209.4465.

cc: Hon. Linda Marie Bell, District Judge
Tyrone Diaz
Attorney General/Las Vegas
Eighth District Court Clerk