

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW CORZINE,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND GREG COX, DIRECTOR NDOC,
Respondents.

No. 68086

FILED

SEP 15 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment and denying declaratory relief in a civil action. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Matthew Corzine first argues the district court erred in granting the respondents' motion for summary judgment. This court reviews summary judgments de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate if the pleadings and other evidence on file, viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issues of material fact remain in dispute and the moving party is entitled to judgment as a matter of law. *Id.* To withstand summary judgment, the nonmoving party cannot rely solely on general allegations and conclusions set forth in the pleadings, but must instead present specific facts demonstrating the existence of a genuine factual issue supporting the claims. NRCP 56(c); *Wood*, 121 Nev. at 731, 121 P.3d at 1030-31.

Corzine argues he is entitled to credits against his sentence pursuant to NRS 209.449 for completion of correspondence courses. Corzine's argument lacks merit. NRS 209.449 permits a prison inmate to earn credits for successful completion of a "program of vocational education and training" or another "program approved by the Director." Nevada Department of Corrections (NDOC) Administrative Regulation (AR) 850 explains that educational and vocational programs must be accredited or licensed under certain standards in order to meet NDOC qualifications. NDOC AR 750.09 explains that inmates may take correspondence courses, but such courses are for self-help only, are not recognized by the NDOC's education division, and correspondence courses "are not eligible for merit credits unless otherwise approved by the Director."

Here, the evidence provided by the parties before the district court established the correspondence courses Corzine completed did not meet the NDOC's educational or vocational standards. The evidence also established Corzine did not obtain approval from the NDOC director for credits for those correspondence courses. Accordingly, Corzine was not entitled to additional credits for completion of the correspondence courses. Therefore, the district court properly granted the respondents' motion for summary judgment.

Second, Corzine argues the district court erred in denying his motion for declaratory judgment. Corzine sought an order declaring the NDOC's administrative regulations regarding correspondence courses violated NRS 209.449. Corzine's argument lacks merit. "The validity or applicability of any regulation may be determined in a proceeding for a

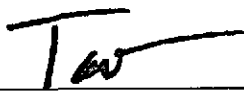
declaratory judgment . . . when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff.” NRS 233B.110(1). The district court “shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency.” *Id.* This court reviews “the district court’s conclusions of law, including statutory interpretations, de novo.” *Canarelli v. Dist. Ct.*, 127 Nev. ___, ___, 265 P.3d 673, 676 (2011) (quotation marks omitted).

NRS chapter 209 plainly gives the NDOC director and the Board of State Prison Commissioners the authority to create and implement regulations with respect to the management of the prisons and the prisoners, including education programs. *See* NRS 209.111(3); NRS 209.131(6); NRS 209.391. Further, courts “must accord substantial deference to the professional judgment of prison administrators, who bear a significant responsibility for defining the legitimate goals of a corrections system and for determining the most appropriate means to accomplish them.” *Overton v. Bazzetta*, 539 U.S. 126, 132 (2003). In light of the substantial deference prison officials have in management of the prison, Corzine fails to demonstrate the respondents’ exercise of the authority provided by NRS chapter 209 violated his legal rights. Therefore, the district court properly concluded Corzine was not entitled to declaratory relief.

Having considered Corzine's arguments and concluded they lack merit, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James Todd Russell, District Judge
Matthew Corzine
Attorney General/Carson City
Carson City Clerk

¹We also conclude the district court did not err in denying Corzine's motion for the appointment of counsel and motion for class-action certification.