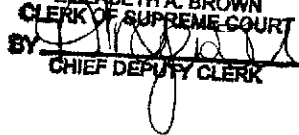# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 69951

FILED

NOV 17 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment in favor of the respondents.[1] 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. Corzine asserts the Nevada Department of Corrections (NDOC) calculated his mandatory parole date to be 6 months from the projected expiration of his sentence, which he argues was improper because NRS 213.1215(1) requires his parole to be 12 months prior to his projected expiration date.

This court reviews orders granting summary judgment 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

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[1]This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

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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.

The evidence provided by the respondents explains Corzine's reliance upon the projected expiration date is misplaced. A projected expiration date is calculated based upon an assumption an inmate will serve the remainder of his sentence in prison and earn 30 additional credits per month. However, NRS 213.1215(10), states that when calculating the mandatory parole release date, "the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled." The projected expiration date Corzine bases his claim upon includes credits Corzine has not yet earned and are not permitted to be considered in the calculation of the mandatory parole release date pursuant to NRS 213.1215(10). Therefore, Corzine fails to demonstrate the NDOC incorrectly calculated his mandatory parole release date and the district court properly granted the respondents' motion for summary judgment.
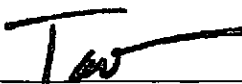
Second, Corzine argues the district court erred in denying his motion for class certification. This court reviews class certification decisions for an abuse of discretion. *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 846, 124 P.3d 530, 537 (2005). The district court concluded Corzine failed to meet his burden to demonstrate the proposed

class was so numerous that joinder of all members is impracticable. *See* NRCP 23(a); *Cummings v. Charter Hosp. of Las Vegas, Inc.*, 111 Nev. 639, 643, 896 P.2d 1137, 1140 (1995). Corzine fails to demonstrate the district court abused its discretion in this regard.

Third, Corzine argues the district court erred in denying his motion for the appointment of counsel. However, we conclude the district court properly denied this motion because Corzine did not have a right to the appointment of counsel in this case. *See Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 804, 102 P.3d 41, 45 (2004).

Having concluded Corzine is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.[2]

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

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

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[2]We have reviewed Corzine's letter and "motion to submit this appeal for an immediate decision emergency motion." In light of our disposition of this appeal, we conclude no relief based upon these submissions is warranted.