

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID AUGUST KILLE, SR.,
Appellant,
vs.
DWIGHT NEVEN, WARDEN; GREG
COX; THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND THE STATE OF NEVADA,
Respondents.

No. 70028

FILED

OCT 18 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


Appellant David Kille claims the district court erred by denying his petition filed on February 2, 2015. He claims the district court erred by denying his claim that he was entitled to education credits for completing his GED and receiving his high school diploma. The district court concluded Kille was not entitled to the credits because he had previously earned an associate degree.

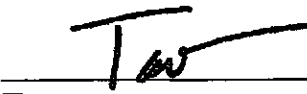
We conclude substantial evidence supports the decision of the district court. While NRS 209.4465(2) allows for earning credits for completing a GED and receiving a high school diploma, the Board of State Prison Commissioners (Board) is required to adopt regulations governing the award of credits. NRS 209.4465(6). The Board adopted NDOC A.R.

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

803.01 which states, "Inmates cannot receive credits for a secondary educational degree that is less than the one already obtained. Example: If an inmate has an AA degree, he cannot receive credit for a high school diploma." Thus, because Kille had previously received an associate degree, he cannot receive credit for now obtaining a GED or high school diploma. Accordingly, the district court did not err in denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Linda Marie Bell, District Judge
David August Kille, Sr.
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk