

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JAMES GARDNER,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 71391

**FILED**

JUL 11 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from an order of the district court denying appellant William Gardner's April 22, 2016, postconviction petition for a writ of habeas corpus (credits). First Judicial District Court, Carson City; William A. Maddox, Senior Judge.

Gardner challenged the computation of time served as it applied to his parole eligibility. In response to an order of this court, the attorney general advises that Gardner has no additional sentences left to serve and has been released on parole. Because a parole hearing was the only relief available to Gardner, he has in fact been granted parole, and no statutory authority or case law permits a retroactive grant of parole, see *Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), Gardner's claim is moot. See *Johnson v. Dir., Nev. Dep't. of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER this appeal DISMISSED.

*[Signature]*, J.  
Hardesty

*[Signature]*, J.  
Parraguirre

*[Signature]*, J.  
Stiglich

17-23004

cc: Chief Judge, The First Judicial District Court  
Hon. William A. Maddox, Senior Judge  
William James Gardner  
Attorney General/Carson City  
Carson City Clerk