

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH RAY CARUSO,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 71187

**FILED**

JUL 12 2017

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

*ORDER OF AFFIRMANCE*

Joseph Ray Caruso appeals from a district court order dismissing the postconviction petition for a writ of habeas corpus he filed on June 15, 2016.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Caruso claimed the Nevada Department of Corrections was not applying the statutory credits he had earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court found Caruso's claim was moot because he was already eligible for parole and he had already appeared before the Nevada Board of Parole Commissioners.


Even if Caruso was entitled to credit toward his minimum sentence under NRS 209.4465, his only remedy is the application of that credit toward a parole-eligibility determination. As Caruso has already appeared before the Nevada Board of Parole Commissioners, the district court did not err in concluding his petition was moot. *See* NRS 213.10705;

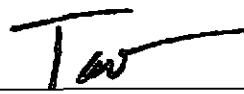
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

*Niergarth v. Warden*, 105 Nev. 26, 28-29, 768 P.2d 882, 883-84 (1989)  
(holding no statutory authority or case law permits a retroactive grant of  
parole). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, C.J.  
Silver

, J.  
Tao

, J.  
Gibbons

cc: Hon. James E. Wilson, District Judge  
Joseph Ray Caruso  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk