

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NELSON ABEVUS DIAZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 72323

FILED

NOV 15 2017

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

ORDER OF AFFIRMANCE

Nelson Abveus Diaz appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on June 23, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Diaz claimed the Nevada Department of Corrections (NDOC) was not applying good-time, work-time, and meritorious credits to his sentence as required by NRS 209.4465. Diaz further argued he was entitled to work-time credits because he made every effort to participate in a work program and NDOC unfairly denies work-time credits to inmates who do not have an opportunity to participate in a work program.

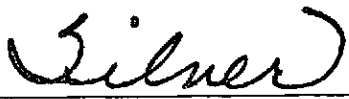
The district court found Diaz' credit history demonstrates he has received 20 good-time credits per month for every month he has been


¹This 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).

incarcerated and he has received meritorious credits for completing the programs he mentioned in his petition. The district court found Diaz did not have a constitutionally protected liberty interest in earning work-time credit and he was not entitled to work-time credit for work he did not actually perform. And the district court found Diaz was not entitled to any additional good-time, work-time, or meritorious credits.

The district court's findings are supported by the record on appeal, and we conclude it did not err by denying Diaz' habeas petition. See NRS 209.4465(1), (2), (5); *Cooper v. Sumner*, 672 F.Supp. 1361, 1367 (D. Nev. 1987). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Nelson Abveus Diaz
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk