

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY LEE SPANN,
Appellant,
vs.
TIMOTHY FILSON, WARDEN;
GREGORY COX, DIRECTOR; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 72345

FILED

DEC 14 2017

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

ORDER OF AFFIRMANCE


Gregory Lee Spann appeals from an order of the district court denying his June 17, 2016, and August 12, 2016, postconviction petitions for writs of habeas corpus challenging the computation of time he has served.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

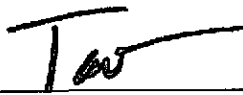
Spann claimed the Nevada Department of Corrections (NDOC) is failing to deduct statutory credits from his minimum and maximum sentences pursuant to NRS 209.4465(7)(b). The record reflects Spann completed his final minimum sentence in August 2016, and he did not dispute the State's assertion that he had a parole hearing in May 2016. Since a parole hearing would be the only relief available, and no statutory authority or caselaw permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), Spann's claim as to his minimum sentence is moot. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105


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

Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Further, Spann's claim as to his maximum sentence is belied by the record, which reflects NDOC is applying statutory credits to his maximum sentence. We therefore conclude the district court did not err in denying Spann's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Gregory Lee Spann
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk