

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LOPEZ,  
Appellant,  
vs.  
WILLIAM SANDIE, WARDEN,  
Respondent.

No. 72295

FILED

NOV 14 2017

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

*ORDER OF AFFIRMANCE*

Anthony Lopez appeals from an order of the district court denying his September 14, 2016, postconviction petition for a writ of habeas corpus challenging his computation of time served.<sup>1</sup> Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Lopez requested the district court “to order the [Nevada Department of Corrections] to recalculate his parole eligibility date . . . pursuant to NRS 209.4465(7)(b).”<sup>2</sup> Lopez admitted he was eligible for parole in September 2012 and did not allege he was not granted a parole hearing at that time. Further, Lopez appears to have expired his sentence. Since a parole hearing would have been the only relief available and no statutory authority or caselaw permitted a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), the district court did

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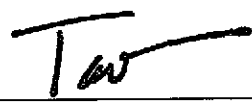
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

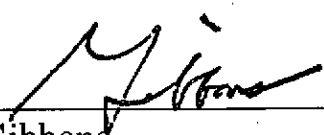
<sup>2</sup>Lopez’ contention on appeal that he was merely seeking declaratory relief was thus belied by the record.

not err in denying Lopez' claim as moot. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Jim C. Shirley, District Judge  
Anthony Lopez  
Attorney General/Carson City  
Pershing County Clerk