

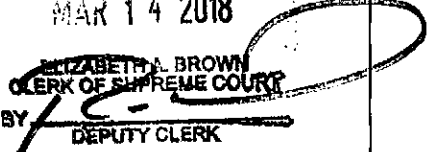
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON LAMARS LEE,
Appellant,
vs.
TIMOTHY FILSON, WARDEN,
Respondent.

No. 73086

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jason Lamars Lee appeals from an order of the district court denying his postconviction petition for a writ of habeas corpus challenging the computation of time he has served, filed on March 1, 2017, and his supplemental points and authorities, filed April 14, 2017.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.


Lee claimed the Nevada Department of Corrections has not been applying statutory credits to his minimum sentences in violation of NRS 209.4465(7)(b). Lee's controlling sentence is for a category B felony, and NRS 209.4465(8)(d) prohibits applying statutory credits to parole eligibility on sentences for category B felonies. Lee claimed NRS 209.4465(8)(d) did not abrogate NRS 209.4465(7)(b)'s general rule that credits apply to parole eligibility. Where a statute is clear and unambiguous on its face, we look no further for its meaning. *Williams v. Nevada Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). Lee's claim is repelled by the plain language of NRS 209.4465(7), which begins, "Except as


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

otherwise provided in subsection[] 8.” We therefore conclude the district court did not err by denying this claim.

Lee also claims the district court was biased because it offered him an opportunity to supplement his petition with additional information and then failed to consider his supplemental points and authorities. Lee’s claims do not implicate bias. *See Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (describing bias as that which “stems from an extrajudicial source and results in an opinion on the merits on some basis other than what the judge learned from his participation in the case” (quotation marks and punctuation omitted)). Further, Lee did not provide all of the information the district court requested; and the district court’s order clearly addressed arguments raised solely in the supplemental points and authorities. We therefore conclude Lee’s claim lacks merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Jason Lamars Lee
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk