

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEFAN ANDREW RODRIGUES,  
Appellant,  
vs.  
WARDEN; OFFENDER MANAGEMENT  
DIVISION; AND THE STATE OF  
NEVADA,  
Respondents.

No. 73855

**FILED**

JUN 13 2018

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

*ORDER OF AFFIRMANCE*

Stefan Andrew Rodrigues appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Rodrigues argues the district court erred by denying his June 15, 2016, petition. In his petition, Rodrigues first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits to his minimum terms pursuant to NRS 209.4465(7)(b). Rodrigues' claim lacks merit. NRS 209.4465(7)(b) begins, "Except as otherwise provided in subsection[ ] 8" and NRS 209.4465(8) specifically excludes offenders convicted of violent or category B felonies from applying credits to their minimum sentences. Rodrigues is serving terms for violent and category B felonies, *see* NRS 200.471(2)(b); NRS 200.481(2)(e)(1), for offenses committed after NRS 209.4465(8)'s effective date. Accordingly, Rodrigues is not entitled to the application of credits to his minimum terms.


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

Second, Rodrigues claimed the NDOC improperly denied him the opportunity to earn work credits or educational credits. Rodrigues also claimed the NDOC failed to apply already earned work and education credits toward his sentence. Rodrigues had no right to employment while in prison. See NRS 209.4465(2); NRS 209.461(1)(b); *Collins v. Palczewski*, 841 F. Supp. 333, 336-37 (D. Nev. 1993) (recognizing a prisoner has no independent constitutional right to employment and the Nevada statutes do not mandate employment). Rodrigues also did not have a right to attend the prison's educational programs. See NRS 209.387; NRS 209.389(4). Therefore, Rodrigues cannot demonstrate that lack of employment or program attendance and the resulting lack of opportunity to earn statutory credits violated any protected right. In addition, the district court reviewed Rodrigues' credit report and concluded his earned credits had been appropriately applied. Accordingly, we conclude the district court did not err by denying these claims, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Linda Marie Bell, Judge  
Stefan Andrew Rodrigues  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk