

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL CHARLES MEISLER,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 73512

**FILED**

JUN 13 2018

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

*ORDER OF AFFIRMANCE*

Michael Charles Meisler 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.

In his August 1, 2016, petition, Meisler first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits to his minimum term pursuant to NRS 209.4465(7)(b). Meisler's 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. Meisler is serving a term for a violent and category B felony, *see* NRS 200.575(2), committed after NRS 209.4465(8)'s effective date. Accordingly, Meisler is not entitled to the application of credits to his minimum term.<sup>2</sup>

---


<sup>1</sup>This 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).

<sup>2</sup>The district court also found Meisler has already had a parole hearing for his conviction for aggravated stalking. Because parole is an act of grace of the State, the district court properly concluded Meisler's parole

Second, Meisler claimed the NDOC improperly denied him the opportunity to earn work credits or program credits. Meisler also appeared to claim the NDOC failed to properly apply his already earned credits. Meisler 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). Meisler also did not have a right to attend the prison's educational programs. See NRS 209.387; NRS 209.389(4). Therefore, Meisler 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 Meisler's 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.<sup>3</sup>

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

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

---

hearing rendered the challenge to the calculation of his sentence moot because the only remedy available would be to order the parole board to conduct a parole hearing. See NRS 213.10705; *Williams v. State Dep't of Corr.*, 133 Nev. \_\_\_, \_\_\_ n.7, 402 P.3d 1260, 1265 n.7 (2017).

<sup>3</sup>The Honorable Michael Gibbons did not participate in the decision in this matter.

cc: Hon. Linda Marie Bell, District Judge  
Michael Charles Meisler  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk