

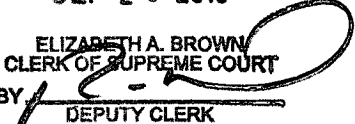
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDDIE WINN,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN NNCC,  
Respondent.

No. 74462

**FILED**

SEP 26 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Eddie Winn appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his July 6, 2017, petition, Winn claimed the Nevada Department of Corrections improperly refused to apply credits toward his parole eligibility date. The district court denied the petition as moot because the record demonstrated Winn already had received two parole hearings. The record before this court demonstrates Winn had parole hearings in 2015 and 2017. As 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), Winn's claim is moot. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev.


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

314, 316, 774 P.2d 1047, 1049 (1989). Therefore, we conclude the district court did not err by dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. James Todd Russell, District Judge  
Eddie Winn  
Attorney General/Carson City  
Carson City Clerk