

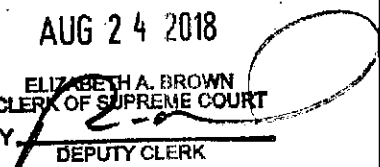
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BARRY JARROD SUMMERS,
Appellant,
vs.
WARDEN; OFFENDER MANAGEMENT
DIVISION; AND THE STATE OF
NEVADA,
Respondents.

No. 74408

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Barry Jarrod Summers appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on November 22, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

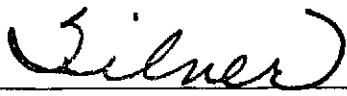
Summers claimed the Nevada Department of Corrections was not properly applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. However, the district court found that Summers had appeared before the Nevada Board of Parole Commissioners, he had been denied parole, and consequently his claim was moot.

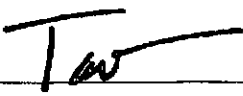
Because the record supports the district court's factual findings, and because a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), we conclude the district court did not err by determining Summers' claim was moot, *see*

¹This 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).

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. Linda Marie Bell, Chief Judge
Barry Jarrod Summers
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk