

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PATRICK NEWELL,
Appellant,
vs.
ISIDRO BACA, WARDEN; AND THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS,
Respondents.

No. 73766

FILED

AUG 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Patrick Newell appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 10, 2017.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

Newell challenged the computation of time he has served. He claimed that the Nevada Department of Corrections' (NDOC) practice of awarding prisoners future work credits for the purpose of calculating their parole-eligibility, mandatory-release, and sentence-expiration dates created a liberty interest in those credits and that the credits could not subsequently be reduced without affording prisoners due process. Newell's claim is without merit.

NDOC does not award future work credits; it simply assumes for the purposes of estimating the relevant dates that an offender will earn the credits. Indeed, NDOC does not have the discretion to award credits for work not completed. See NRS 209.4465(2) (granting discretion to award up

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

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to ten days' work credit per month, but only where the prisoner demonstrated "diligence in labor" to earn the credits). And providing prisoners with estimated parole-eligibility, mandatory-release, and sentence-expiration dates based on an assumption that inmates will earn the maximum credits creates no liberty interest. *See Anselmo v. Bisbee*, 133 Nev. ___, ___, 396 P.3d 848, 850 (2017) ("[The Nevada Supreme Court] has consistently held that given its discretionary language, Nevada's parole statute creates no protectable liberty interest sufficient to invoke the Due Process Clause." (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, C.J.

Silver

 _____, J.

Tao

 _____, J.

Gibbons

cc: Hon. James E. Wilson, District Judge
Patrick Newell
Attorney General/Carson City
Carson City Clerk