

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOUG LEFLORA,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 75075

FILED

AUG 14 2018

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

ORDER OF AFFIRMANCE

Doug LeFlora appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his October 24, 2017, petition, LeFlora claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits to his minimum term pursuant to NRS 209.4465(7)(b). LeFlora's claim lacked merit. NRS 209.4465(7)(b) begins, "Except as otherwise provided in subsection[] 8" and NRS 209.4465(8)(a) specifically excludes offenders convicted of violent felonies from applying credits to their minimum sentences. The district court found LeFlora is serving a term for a felony involving the use of violence committed after NRS 209.4465(8)'s effective date and the record supports the district court's conclusion.²

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

²LeFlora was convicted of battery by strangulation constituting domestic violence. See NRS 200.485(2).

Accordingly, LeFlora is not entitled to the application of credits to his minimum term.³

Second, LeFlora claimed the NDOC improperly denied him the opportunity to earn work or study credits. LeFlora had no right attend work or study 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). Therefore, LeFlora cannot demonstrate that the lack of work or study opportunities, and the resulting lack of ability to earn statutory credits, violated any protected right. 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: Hon. Linda Marie Bell, District Judge
Doug LeFlora
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

³In his informal brief, LeFlora also argues the NDOC applies credit toward another inmate's minimum term, and the failure to also apply credit to his minimum term violates his equal protection rights. However, LeFlora did not raise this claim in the district court and we decline to consider it in the first instance. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).