IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD MYLES,
Appellant,
vs.
JAMES DZURENDA, DIRECTOR; AND
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 74302

FILED

AUG 14 2018

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

ORDER OF AFFIRMANCE

Richard Myles appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 16, 2016.[1] Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Myles claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Myles' petition was moot. Myles received a parole hearing in 2016, and the only remedy for the failure to apply credits toward parole eligibility was an expedited parole hearing. *See* NRS 213.10705; *Williams v. State Department of Corrections*, 133 Nev. ___ n.7, 402 P.3d 1260, 1265 n.7 (2017). Substantial evidence supports the decision of the district court, and we conclude the district court did not err by denying this claim.
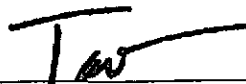
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[1]This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

18-901787

Myles also claimed NDOC improperly declined to award him credits for work and/or study. He concedes he did not work or study. However, he contends he should have been awarded credits because he was willing and able to work or study, but NDOC did not have opportunities for him to work or study. Myles' claim lacked merit because NRS 209.4465(2) requires prisoners to actually work or study to earn the credits.

Having found Myles is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Silver

_____, J.
Tao

_____, J.
Gibbons

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