

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES P. BARKER,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 74786

FILED

AUG 14 2018

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


ORDER OF AFFIRMANCE


James P. Barker appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

In his September 14, 2017, petition, Barker claimed the Nevada Department of Corrections improperly declined to apply statutory credits toward his minimum term. The district court denied the petition as moot because the record demonstrated Barker already had a parole hearing. The district court properly concluded Barker's parole hearing rendered the challenge to the calculation of his sentence moot because the only remedy available would be to order the parole board to conduct a hearing. See *Williams v. State Dep't of Corr.*, 133 Nev. ___, ___ n.7, 402 P.3d 1260, 1265 n.7 (2017) (stating no statutory authority or case law permits a retroactive

grant of parole). Therefore, we conclude the district court did not err in denying 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
James P. Barker
Attorney General/Carson City
Carson City Clerk