


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TITUS LEE HOUSTON,
Appellant,
vs.
D. W. NEVEN, WARDEN; HIGH
DESERT STATE PRISON; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 74173

FILED

AUG 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Titus Lee Houston 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 July 28, 2017, petition, Houston claimed the Nevada Department of Corrections improperly denied him the opportunity to earn work credits or program credits. Houston had no right to employment 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). Houston also did not have a right to attend the prison's educational programs. See NRS 209.387; NRS 209.389(4). Therefore, Houston cannot demonstrate that lack of employment or program attendance and the resulting lack of opportunity to earn statutory

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).


18-901788

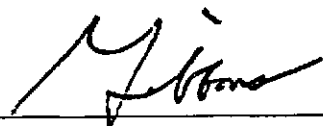
credits violated any protected right. Accordingly, we conclude the district court did not err by denying these claims.

Next, Houston sought the appointment of postconviction counsel, but the district court denied Houston's request. The appointment of postconviction counsel was discretionary in this matter. See NRS 34.750(1). After a review of the record, we conclude the district court did not abuse its discretion in this regard as this matter was not sufficiently complex so as to warrant the appointment of postconviction counsel.² See *Renteria-Novoa v. State*, 133 Nev. ___, ___, 391 P.3d 760, 760-61 (2017). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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

²We have considered Houston's October 20, 2017, motion for counsel and conclude no relief is warranted.