

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONG PHEN NGUYEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74800-COA

FILED

JAN 25 2019

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

ORDER OF AFFIRMANCE

Tong Phen Nguyen 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, Chief Judge.

In his April 27, 2017, petition, Nguyen first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his good-time credits toward his minimum terms. The district court concluded Nguyen was not entitled to relief because he was convicted of category B felonies, committed the offenses in 2014, and for those reasons, NDOC had properly applied Nguyen's credits only toward his maximum terms pursuant to NRS 209.4465(8).² Given these circumstances, we conclude the district court did not err by denying this claim.

Second, Nguyen appeared to claim the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because Nguyen


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).


²The record demonstrated Nguyen was convicted of two counts of burglary, category B felonies. See NRS 205.060(2).

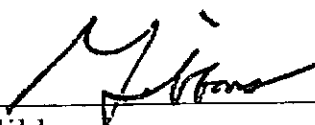
committed his crime after NRS 209.4465(8) became effective in 2007, his claim was without merit. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Therefore, the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Tong Phen Nguyen
Attorney General/Las Vegas
Eighth District Court Clerk