

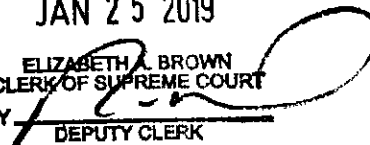
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KUSUMI RAHEMI HARRIS,
Appellant,
vs.
JO GENTRY, WARDEN; AND
OFFENDER MANAGEMENT DIVISION
STATE OF NEVADA,
Respondents.

No. 75166-COA

FILED

JAN 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kusumi Rahemi Harris 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 October 4, 2017, petition, Harris argued the Nevada Department of Corrections (NDOC) miscalculated his presentence, work, and meritorious credits and, therefore, miscalculated the expiration date of his sentence. The district court reviewed Harris' credit history report and concluded NDOC had appropriately calculated Harris' sentence. The district court also found Harris had no right to employment while in prison and, therefore, Harris cannot demonstrate his rights were violated by any lack of employment and the resulting lack of opportunity to earn statutory credits. See NRS 209.4465(2); NRS 209.461(1); *Vickers v. Dzurenda*, 134 Nev. Adv. Op. 91 *3, ___, P.3d ___, ___, (Ct. App. 2018). The record before


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).

this court supports the district court's decisions. Accordingly, we conclude the district court did not err by denying these claims

To the extent Harris asserted NDOC incorrectly calculated his parole hearing date, the district court denied this claim as moot because the record demonstrated Harris had a parole hearing a few weeks after he filed the petition. As a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, see *Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), the district court properly concluded this claim was moot. Therefore, we affirm the decision of the district court, 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
Kusumi Rahemi Harris
Attorney General/Carson City
Eighth District Court Clerk