

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 75587-COA

FILED

FEB 13 2019

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

ORDER OF AFFIRMANCE

Leonard Gathright appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 7, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

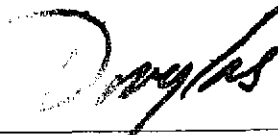
Gathright claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits to his minimum term. The district court concluded Gathright was not entitled to relief because he is currently serving a prison sentence for robbery, a category B felony, *see* NRS 200.380(2), committed the offense in 2013, and for those reasons, NDOC may only apply Gathright's credits toward his maximum term pursuant to NRS 209.4465(8)(d). Given these circumstances, we conclude the district court did not err by denying this claim.

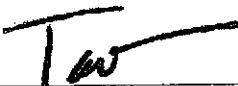
Gathright also claimed NDOC was not applying his jail time credits toward his minimum term. This claim lacked merit. The credit history report provided by the State in response to Gathright's petition filed

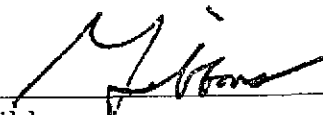
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

below demonstrates NDOC has applied Gathright's jail time credits to his minimum term.

Having concluded Gathright is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Leonard Gathright
Attorney General/Carson City
Carson City Clerk