

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVAN CENTENO,
Appellant,
vs.
THE STATE OF NEVADA; AND JAMES
DZURENDA, DIRECTOR,
Respondents.

No. 76424-COA

FILED

MAR 14 2019

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

ORDER OF AFFIRMANCE

Evan Centeno appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 6, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

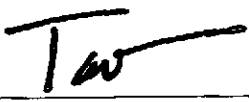
Centeno claimed the Nevada Department of Corrections (NDOC) is improperly declining to apply statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Centeno's sentences were the result of convictions for category B felonies committed after the effective date of NRS 209.4465(8)(d), which precludes the application of credits to minimum terms of sentences for such felonies. These findings are supported by the record. See NRS 202.360(1); NRS 205.46513(2). We therefore conclude the district court did not err by denying this claim.

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Centeno next claimed that whether or not credits applied to minimum terms based on when a crime was committed vis-à-vis the effective date of NRS 209.4465(8)(d) violates the Equal Protection Clause. This court recently addressed a similar claim and found it to lack merit. See *Vickers v. Dzurenda*, 134 Nev. ___, ___, 433 P.3d 306, 310 (Ct. App. 2018). We therefore conclude the district court did not err by denying this claim.

Centeno next challenged the prison's classification and timekeeping systems. These were challenges to the conditions of confinement and thus not cognizable in a postconviction petition for a writ of habeas corpus. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). To the extent Centeno's challenge to the timekeeping system was a challenge to the computation of time served, his bare claim failed to allege specific facts that demonstrated any error in NDOC's timekeeping system. See *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). For the foregoing reasons, we conclude the district court did not err by denying these claims, and we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

²To the extent Centeno is attempting to argue violations of the Ex Post Facto and Due Process Clauses or that the denial of credits is extending his sentence beyond that imposed by the sentencing court, these are new arguments not raised below, and we decline to consider them on appeal in the first instance. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

cc: Hon. Linda Marie Bell, Chief Judge
Evan Centeno
Attorney General/Las Vegas
Eighth District Court Clerk