

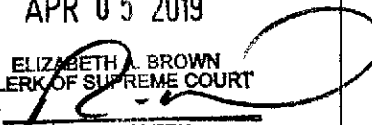
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN GORDON JACKSON, III,
Appellant,
vs.
ISIDRO BACA, WARDEN NNCC; SEC.
JAMES DZURENDA; DWAYNE DEAL,
DIR OMD; AND THE STATE OF
NEVADA,
Respondents.

No. 76235-COA

FILED

APR 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

John Gordon Jackson, III, appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 18, 2018.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Jackson claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentences as required by NRS 209.4465(7)(b). The district court made the following findings. Jackson is serving an aggregated sentence for three category B felonies he committed after NRS 209.4465 was amended in 2007.² Jackson's claim lacked merit based on the law that existed when he filed the petition, and he did not present a reasonable argument for a change in the existing

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).


²Jackson was convicted of two counts of robbery with the use of a deadly weapon and one count of felon in possession of a firearm for crimes he committed in 2017. See NRS 193.165(3); NRS 200.380(2); NRS 202.360(1).


law or its interpretation. And Jackson's petition is frivolous and wholly without merit.

The record supports the district court's factual findings. We conclude the district court did not err by denying Jackson's petition and it did not clearly abuse its discretion by recommending forfeiture of Jackson's statutory credits. See NRS 209.4465(8); NRS 209.451(1)(d)(2); see also *Hosier v. State*, 121 Nev. 409, 412, 117 P.3d 212, 214 (2005) (discussing similar circumstances in which the Nevada Supreme Court might refer an inmate under NRS 209.451(1)(d) when he or she files a frivolous original writ petition). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
John Gordon Jackson, III
Attorney General/Carson City
Carson City Clerk