

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH L. MIZZONI,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76184-COA

FILED

APR 05 2019

ELIZABETH Z. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Joseph L. Mizzoni appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on May 24, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Mizzoni claimed the Nevada Department of Corrections was not properly applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. However, the district court found that Mizzoni had appeared before the Nevada Board of Parole Commissioners, he had been denied parole on his sole remaining sentence, and, therefore, his claim was moot.

Because the record supports the district court's factual findings, and because a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Williams v. State Dep't of Corr.*, 133 Nev. ___, ___ n.7, 402 P.3d 1260, 1265


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).

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n.7 (2017), we conclude the district court did not err by determining Mizzoni's claim was moot, *see Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Joseph L. Mizzoni
Attorney General/Las Vegas
Eighth District Court Clerk