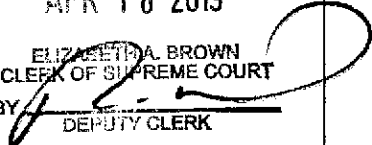# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MILTON DAVID PLUMMER,
Appellant,
vs.
RENEE BAKER, WARDEN, L.L.C.,
Respondent.

No. 76225-COA

FILED

APR 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER OF AFFIRMANCE

Milton David Plummer appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 4, 2018.[1] Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Plummer claimed the Nevada Department of Corrections (NDOC) is only applying 15 of the 30 credits he has earned pursuant to NRS 209.4465 to his minimum sentences. The record on appeal demonstrates NDOC is applying all of the credits it shows Plummer has earned to the minimum sentence he is currently serving. Plummer was not entitled to the retroactive application of credits to the sentences already expired or for which he was paroled. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017). Nor was Plummer entitled to relief as to sentences he has not yet begun to serve, because such a claim is not yet ripe. *See Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 38 n. 1, 175 P.3d 906, 907 n. 1 (2008) ("A case is ripe for review when the degree to

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

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which the harm alleged by the party seeking review is sufficiently concrete, rather than remote or hypothetical, and yields a justiciable controversy." (internal punctuation omitted) (internal quotation marks omitted)).[2]

For the foregoing reasons, we conclude the district court did not err by denying Plummer's claim, and we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
  Milton David Plummer
  Attorney General/Carson City
  Pershing County Clerk

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[2]Should NDOC fail to properly apply Plummer's statutory credits to any future minimum sentence once he begins to serve them, he may at that time challenge the computation of time he is serving.