

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALAN FERNANDO SOSA,  
Appellant,  
vs.  
TIMOTHY FILSON, WARDEN,  
Respondent.

No. 77612-COA

FILED

MAY 15 2019

EMILY BETHA BROWN  
CLERK OF APPEALS COURT  
BY: *Angela*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Alan Fernando Sosa appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 15, 2017.<sup>1</sup> Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

Sosa claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. He acknowledged he “was arrested on March 10, 2014, for several felonies.” The district court found he was not entitled to have statutory credits applied to his minimum sentence because he committed his crimes after NRS 209.4465 was amended in 2007 and the 2007 amendments specifically exclude category B felons from receiving credit toward their minimum sentence. We conclude Sosa failed to demonstrate he was entitled to relief and the district court did not err by denying his petition.


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

Sosa also claimed the application of NRS 209.4465(8) violated the Ex Post Facto Clause. However, he did not allege that he committed his crime before NRS 209.4465(8) became effective in 2007. Therefore, we conclude he failed to demonstrate he was entitled to relief and the district court did not err by denying his claim. *See* 2007 Nev. Stat., ch. 525, § 22, at 3196; *Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Having concluded Sosa is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Gary Fairman, District Judge  
Alan Fernando Sosa  
Attorney General/Ely  
White Pine County Clerk

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<sup>2</sup>To the extent Sosa now claims his equal protection rights were violated, we decline to consider his claim because it was not raised in his habeas petition or considered by the district court in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d 25, 33 (2003).