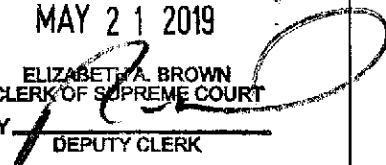


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD DWAYNE AUSTIN,  
Appellant,  
vs.  
JO GENTRY, WARDEN; OFFENDER  
MANAGEMENT DIVISION; AND THE  
STATE OF NEVADA,  
Respondents.

No. 77342-COA

**FILED**  
MAY 21 2019  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Richard Dwayne Austin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 14, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Austin claimed the Nevada Department of Corrections (NDOC) is improperly calculating his statutory good-time credits. Austin claimed NDOC failed to apply his 448 days' presentence credits and 20 days per month of statutory good-time credits. The district court found NDOC was applying all these credits, and the record before this court supports that finding. Because NDOC is applying all of the credits Austin claimed he was entitled to, we conclude the district court did not err by denying this claim.

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

The district court's order also denies a postconviction petition for a writ of habeas corpus that was filed under a separate district court case number on April 26, 2018. Austin did not appeal the denial of that petition.

19-22214


Austin also claimed NDOC is failing to apply 10 days per month of labor credit where he is ready and willing to work but there are not enough work assignments. This court has considered and rejected a similar claim. *See Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91, \*2-3, 433 P.3d 306, 308 (Ct. App. 2018). We therefore conclude the district court did not err by denying this claim.

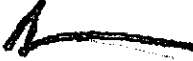
Finally, Austin claimed NDOC was violating the Americans with Disabilities Act. This claim is beyond the scope of claims that may be raised in a postconviction petition for a writ of habeas corpus. *See* NRS 34.720; NRS 34.724(1). We therefore conclude the district court did not err by denying this claim.<sup>2</sup>

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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<sup>2</sup>The district court denied this claim on the merits. However, application of procedural bars is mandatory. *State v. Eighth Judicial Dist. Court*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). We nevertheless affirm the district court's decision for the reason stated above. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

cc: Hon. Linda Marie Bell, Chief Judge  
Richard Dwayne Austin  
Attorney General/Las Vegas  
Eighth District Court Clerk