

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARTIN TRINIDAD MARISCAL
PEREZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76250-COA

FILED

JUL 09 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Martin Trinidad Mariscal Perez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus challenging the computation of time served, filed on December 8, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

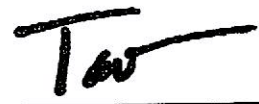
Perez claimed the Nevada Department of Corrections erroneously failed to apply statutory credits to his parole eligibility for a sentence he was serving as a result of his conviction in district court case number A-17-765921-W. In response to an order of this court, the State has demonstrated that Perez had a parole hearing on the only sentence he has to serve. Because a parole hearing was the only relief available to him and no statutory authority or case law permits a retroactive grant of parole, see *Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), Perez' claim

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

has been rendered 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
Martin Trinidad Mariscal Perez
Attorney General/Las Vegas
Eighth District Court Clerk