

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK W. MANIBUSAN,
Appellant,
vs.
WILLIAM SANDIE, WARDEN,
Respondent.

No. 72132

FILED

OCT 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Mark W. Manibusan appeals from an order of the district court dismissing the postconviction petition for a writ of habeas corpus he filed on June 21, 2016.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


In his petition, Manibusan claimed the Nevada Department of Corrections was not applying the statutory, work, educational, and meritorious credits he had earned toward his minimum sentence pursuant to 1997 Nev. Stat., ch. 641, § 4, at 3175 (former NRS 209.4465). The district court found Manibusan's claim was moot because he had already appeared before the Nevada Board of Parole Commissioners.


Even if Manibusan was entitled to credit toward his minimum sentence under 1997 Nev. Stat., ch. 641, § 4, at 3175, his only remedy is the application of that credit toward a parole-eligibility determination. Because Manibusan has already appeared before the Nevada Board of Parole Commissioners, the district court did not err in concluding his petition was


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).

moot. See NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (holding no statutory authority or case law permits a retroactive grant of parole). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jim C. Shirley, District Judge
Mark W. Manibusan
Attorney General/Carson City
Pershing County Clerk