

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENDALL LAMAR MCGEE,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 71091

**FILED**

JUN 14 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Kendall McGee appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on June 13, 2016.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition, McGee claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court concluded McGee was not entitled to relief because McGee is currently serving prison terms for burglary, a category B felony, *see* NRS 205.060(2), committed in 2011, and for those reasons, the NDOC may only apply McGee's statutory credits toward his maximum term pursuant to NRS 209.4465(8). Given these

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<sup>1</sup>This 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).

circumstances, we conclude the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

*Silver*, C.J.  
Silver

*Tao*, J.  
Tao

*Gibbons*, J.  
Gibbons

cc: Hon. James Todd Russell, District Judge  
Kendall Lamar McGee  
Attorney General/Carson City  
Carson City Clerk