

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT T. BARFIELD,  
Appellant,  
vs.  
JAMES MAXEY, ICC; AND E.K.  
MCDANIEL, DIR.,  
Respondents.

No. 71178

FILED

MAY 16 2017

ELIZABETH A. ROWEN  
CLERK OF SUPREME COURT  
BY *AWilson*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Robert Barfield appeals from an order of the district court dismissing the postconviction petition for a writ habeas corpus he filed on May 26, 2016.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

First, Barfield claims the district court erred by denying his claim 180 days of his good time credit was forfeited in error by the Nevada Department of Corrections. The district court concluded Barfield failed to support his claim with specific facts that, if true, would entitle him to relief because he failed to allege how or when he earned these credits or provide any evidence the credits were awarded at some point and later

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

forfeited. The district court also found Barfield's credit history report did not support his claim the NDOC deducted any credits during the time periods alleged by Barfield. Substantial evidence supports the decision of the district court and we conclude the district court did not err by denying his claim.

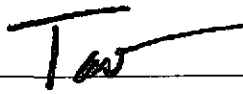
Relatedly, Barfield also claims the NDOC is improperly calculating his parole eligibility and parole expiration dates. This claim was not raised in his petition filed below, and we decline to consider it for the first time on appeal. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991) *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).


Second, Barfield claims the district court erred by denying his claims he is improperly being classified as a security threat group, he was improperly transferred to an out-of-state prison, and his transfer to an out-of-state prison violates his equal protection rights. He claims his security threat group classification and his transfer causes him to lose out on earning work credits. Barfield's claims regarding his security threat group classification and his transfer to an out-of-state prison were challenges to the conditions of confinement and were not properly raised in a postconviction petition for a writ of habeas corpus. *See Bowen v.*

Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Silver

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

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

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<sup>2</sup>Barfield claims the district court erred by failing to give him enough time to respond to the State's motion to dismiss before dismissing his petition. While we agree the district court erred by denying the petition without giving Barfield 15 days to respond to the motion to dismiss, *see* NRS 34.750(4), we conclude Barfield failed to demonstrate he was prejudiced. Barfield filed a response to the State's motion to dismiss after the district court entered its order dismissing the petition but within 15 days from the filing of the motion to dismiss. Barfield's response was nonresponsive to the motion to dismiss because it contained new claims and Barfield's remaining response did not demonstrate he was entitled to relief. Further, Barfield's claim on appeal he wanted to file a supplement to his petition to raise additional claims is unavailing as he fails to demonstrate the district court would have allowed him to file a supplemental petition. *See* NRS 34.750(5).

cc: Hon. James E. Wilson, District Judge  
Robert T. Barfield  
Attorney General/Carson City  
Carson City Clerk