

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 78313-COA

FILED

FEB 19 2020

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

ORDER OF AFFIRMANCE

Percy Lavae Bacon appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 13, 2018, a petition for expeditious judicial examination filed on December 14, 2018, and petitions for writ of mandamus filed on November 29, 2018, and December 3, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.


Bacon argues the district court erred by denying his claim that he was entitled to work time credits because he was willing to work but was unable to do so due to a disability. An inmate must actually engage in labor or study to earn such credits. *Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018). Therefore, we conclude the district court did not err by denying this claim.

Bacon also argues the district court erred by denying his claim that the Nevada Department of Corrections was violating the Americans with Disabilities Act by not allowing him to work, not assigning him to light duty jobs, and not reclassifying him from a maximum-security prison to a minimum-security prison. These claims, however, challenged the conditions of confinement, and must be raised in civil rights action.

Therefore, we conclude the district court did not err by denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Percy Lavae Bacon
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk