

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLINTON GARY GREENE,  
Appellant,  
vs.  
THE STATE OF NEVADA; DIRECTOR  
JAMES DZURENDA; AND THE STATE  
OF NEVADA DEPARTMENT OF  
CORRECTIONS,  
Respondents.

No. 79028-COA

FILED

MAR 30 2019

ELIZABETH A. FRISH  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Clinton Gary Greene appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 11, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his petition, Greene claimed the Nevada Department of Corrections was improperly denying the application of earned statutory credit to his minimum sentence. The district court found that Greene was serving the deadly weapon enhancement portion of his sentence for one of his convictions for robbery with the use of a firearm. After reviewing Greene's credit history report, the district court concluded that Greene was properly receiving credits toward his minimum term. *See* 1997 Nev. Stat., ch. 641, § 4, at 3175; *Williams v. State, Dep't. of Corr.*, 133 Nev. 594, 599, 402 P.2d 1260, 1264 (2017). The record supports the decision of the district court, and we conclude the district court did not err by denying this claim.


Greene also claimed he did not receive credits toward the minimum terms for sentences from which he has already been paroled.

Greene's challenges to these sentences are moot because a parole hearing, which Greene has already received on these sentences, is the only remedy available for the failure to correctly apply credits toward a minimum term. *Williams*, 133 Nev. at 600 n.7, 402 P.2d at 1265 n.7. Therefore, the district court did not err by denying this claim.

Finally, Greene claimed he should have received 20 credits a month toward sentences he already expired rather than the 10 days of credit a month that he received. This claim was also moot because, even assuming Greene is correct, he is not entitled to the retroactive application of credits to the sentences he has already expired. *See id.* Therefore, the district court did not err by denying this claim.

Having concluded Greene is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Tierra Danielle Jones, District Judge  
Clinton Gary Greene  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk