

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLYDE BIGGS,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; HDSP;
OFFENDER MANAGEMENT
DIVISION; AND THE STATE OF
NEVADA,
Respondents.

No. 79644-COA

FILED

MAR 30 2020

ELIZABETH A. DROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

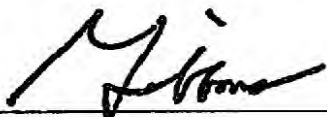
Clyde Biggs appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 6, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Biggs argues the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) is not properly applying his work credits. Biggs argues NDOC is only giving him six days of credit when he is entitled to receive 10 days of credit. The district court found Biggs' work credits are being correctly applied, he has earned more than six credits every month he has worked, and NDOC is not required to award all 10 discretionary work credits every month. *See* NRS 209.4465(2). The record supports the decision of the district. Because Biggs failed to demonstrate NDOC has denied Biggs any credits that he has actually earned, we conclude the district court did not err by denying this claim.

Biggs also claims the district court erred by failing to consider his claim regarding his vocational and mental health class credits. Biggs did not raise this claim in his petition below. Instead, he raised it for the

first time in his opposition to the State's reply to his petition. Because Biggs was not allowed to file a pleading to the State's response without court permission, *see* NRS 34.750(5), we conclude the district court did not err by not considering this claim.

Having concluded Biggs 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
Clyde Biggs
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk