

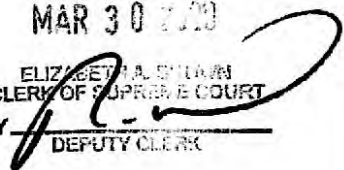
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PABLO NERI,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; JAMES
DZURENDA, DIRECTOR; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; OFFENDER
MANAGEMENT; AND THE STATE OF
NEVADA,
Respondents.

No. 79085-COA

FILED

MAR 30 2020

ELIZABETH A. STANWELL
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Pablo Neri appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 12, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his petition, Neri claimed the Nevada Department of Corrections (NDOC) is improperly failing to apply statutory credit earned pursuant to NRS 209.4465(1) & (2) to his minimum term. The district court found that Neri was convicted of lewdness with a child under the age of 16, a category B felony, *see* NRS 201.230(3), for acts committed between 2008 and 2009. Therefore, the district court concluded NRS 209.4465(8)(d) prohibited the application of statutory credit to Neri's minimum term. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Neri further claimed denying the application of credit to his minimum term violated his right to equal protection. The district court found Neri failed to demonstrate an equal protection violation. We conclude

the district court did not err by denying this claim. *See Vickers v. Dzurenda*, 134 Nev. 747, 751, 433 P.3d 306, 310 (Ct. App. 2018) (denying similar claim).

Neri also claimed he is entitled to have credit available under NRS 209.4465(2) awarded to him to decrease his term by 50% because he has made every effort to engage in diligent labor and/or study, but NDOC does not have enough jobs for everyone. The district court found that Neri has been awarded work credit for those times he has worked. The district court further found that Neri does not have a constitutionally protected liberty interest in work credits, even when he is able to work but no work is available, and Neri is not entitled to credit for times when he has not performed any work. The record supports the district court's findings, and we conclude the district court did not err by denying this claim. *See id.* at 748, 433 P.3d at 308.

Finally, Neri appeared to claim that he is entitled to have 20 days good time credit and 10 days of work credit applied to his maximum term for each month he has been incarcerated. The district court found that all of the credit Neri has earned has been applied to his maximum term and Neri did not demonstrate he is entitled to any additional credit. The record supports the district court's findings, and we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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