

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON ALLEN,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND NDOC  
DIRECTOR, JAMES DZURENDA,  
Respondents.

No. 79335-COA

**FILED**

**MAY 27 2020**

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

*ORDER OF AFFIRMANCE*

Aaron Allen appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 29, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his petition below, Allen claimed the Nevada Department of Corrections (NDOC) was failing to deduct statutory good-time credit he has earned from both his minimum and maximum terms. The district court found Allen's earned statutory good-time credit had been deducted off of his maximum term. The district court also determined that Allen's earned statutory good-time credit had been applied to his minimum term, but even if it had not, any challenge to the application of credit to his minimum term was rendered moot because Allen had received a parole hearing on February 27, 2019. *See Williams v. State, Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) ("[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence." (internal citation omitted)). The district court also determined that to the extent Allen sought monetary damages for any failure to apply credit to his minimum term this claim was not properly raised in a postconviction petition for a writ of habeas corpus. The record supports the

district court's findings, and we conclude the district court did not err by denying these claims.

Allen also claimed his equal protection rights were being violated because NDOC and the Clark County Detention Center (CCDC) were denying him the opportunity to earn work time, meritorious, and educational credit.<sup>1</sup> The district court concluded that any claims against CCDC were not properly raised in the petition because CCDC was not listed as a party in the petition and Allen was not housed at CCDC. The district court also noted that Allen did not allege that he had been denied credit for any completed work, service, or educational programs, and the district court concluded Allen was not entitled to credit for work, service, or educational programs he had not completed. *See Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018) (denying similar claim). 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

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<sup>1</sup>To the extent Allen challenged the process by which NDOC and CCDC determine who is eligible for work, meritorious, or educational credit, such a claim constituted a challenge to the conditions of confinement and a postconviction petition for a writ of habeas corpus was not the proper vehicle for raising this claim. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

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