

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK SCOTT MCKINNEY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

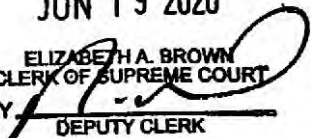
No. 79461-COA

MARK SCOTT MCKINNEY,
Appellant,
vs
THE STATE OF NEVADA,
Respondent.

No. 79462-COA

FILED

JUN 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Mark Scott McKinney appeals from an order of the district court denying postconviction petitions filed in district court case number A-19-791463-W (Docket No. 79461-COA) and district court case number A-19-792235-W (Docket No. 79462-COA).¹ Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

First, McKinney claimed the Nevada Department of Corrections (NDOC) had incorrectly calculated his expiration date and he should have been released from prison in 2018. The district court found that McKinney's expiration moved from 2018 to 2020 because McKinney had forfeited good-time credits as a result of a revocation of his parole. The

¹In district court case number A-19-791463-W, McKinney filed his petition on March 20, 2020. In district court case number A-19-792235-W, McKinney filed his petition on March 29, 2020.

district court found, therefore, that NDOC correctly calculated McKinney's expiration date and McKinney was not entitled to additional credits. The record supports the district court's findings and we conclude the district court did not err by denying this claim.

Second, McKinney claimed he was entitled to work credits because he was willing to work, but was unable to due to a disability. We conclude the district court properly determined McKinney was not entitled to work credits for work he did not actually perform. See NRS 209.4465(2); *Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018).

Third, McKinney claimed NDOC failed to accommodate his disability, thus violating the Americans with Disabilities Act. However, this was a challenge to McKinney's conditions of confinement, and a postconviction petition for a writ of habeas corpus was not the proper vehicle to raise such challenges. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Accordingly, the district court properly denied relief, and we

ORDER the judgment of the district court AFFIRMED.²



_____, C.J.
Gibbons



_____, J.
Tao



_____, J.
Bulla

²We have reviewed all documents McKinney has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent McKinney has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.

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