

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN MATTHEW HOLTZCLAW,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 81772-COA

FILED

MAR 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bryan Matthew Holtzclaw appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 18, 2020. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Holtzclaw contends the district court erred by denying his petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

In his petition, Holtzclaw claimed the Nevada Department of Corrections (NDOC) violated his due process rights when it extended his "release date," thereby extending his sentence by six days per month and without providing notice, cause, or a hearing. Holtzclaw's bare claim did not specify what he meant by "release date." Further, the record before this court belies his claim that NDOC is extending his sentence. Holtzclaw was sentenced to serve an aggregated term of 6 to 15 years in prison, and his sentence is set to expire in just over eight years, well under the 15-year

maximum term that was imposed. Accordingly, we conclude the district court did not err by denying Holtzclaw's petition without conducting an evidentiary hearing, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Bryan Matthew Holtzclaw
Attorney General/Carson City
Eighth District Court Clerk