

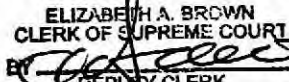
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEONARDO PEREZ,  
Appellant,  
vs.  
GOVERNOR STEVE SISOLAK,  
Respondent.

No. 82999-COA

**FILED**

JAN 05 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Leonardo Perez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 16, 2021. First Judicial District Court, Carson City; James Todd Russell, Judge.

Perez first claimed that the practice of the Nevada Department of Corrections (NDOC) of “precalculating” a sentence expiration date violates the Due Process Clause. Perez claimed that, in estimating his sentence expiration date, NDOC assumes he will earn the maximum labor credits pursuant to NRS 209.4465(2) each month and then removes those credits whenever he fails to perform labor in a given month. Perez claims that the removal of credits without any notice or hearing violates the Due Process Clause. NDOC cannot award labor credits for an inmate who has not engaged in any labor, *see Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018), and Perez has not demonstrated he has a protected liberty interest in credits he has not earned. We therefore conclude his due process rights were not violated. *See State, ex rel. Bd. of Parole Comm’rs v. Morrow*, 127 Nev. 265, 271, 255 P.3d 224, 227 (2011) (requiring a protected liberty interest to be entitled to constitutional due

process protections). Accordingly, we conclude the district court did not err by denying this claim.

Perez also claimed that the application of NRS 209.4465(2) violated his equal protection rights. Perez claimed he is being housed in administrative segregation, and unlike inmates who are in the general population, he is prevented from working and thus cannot earn labor credits pursuant to NRS 209.4465(2). Perez claimed this disparate treatment based on housing resulted in a violation of the Equal Protection Clause. Because "inmates are not a suspect class," Perez's inability to earn labor credits pursuant to NRS 209.4465(2) would not violate the Equal Protection Clause so long as "the challenged classification is rationally related to a legitimate governmental interest." *Vickers*, 134 Nev. at 750, 433 P.3d at 309. The purpose of placing an inmate in administrative segregation is for safety or investigations related to safety. *See* AR 507.01(1)(B). Perez failed to demonstrate that limiting the ability of such inmates to work is not rationally related to a legitimate governmental interest and, thus, that it violated his equal protection rights.<sup>1</sup> Accordingly, we conclude the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

<sup>1</sup>We note that Perez did not challenge his placement in administrative segregation.

cc: Hon. James Todd Russell, District Judge  
Leonardo Perez  
Attorney General/Carson City  
Carson City Clerk