

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,  
Appellant,  
vs.  
TIM GARRETT, WARDEN LCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 88053-COA

**FILED**

OCT 31 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Dustin James Barral appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

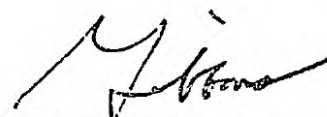
In his petition, Barral claimed that he was entitled to credits under NRS 209.4465 because he received an additional associate's degree in Pastoral Ministry from International Christian College and Seminary and had an "exceptional G.P.A." Under NRS 209.4465(3), "[t]he Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender." However, "[n]on-accredited correspondence courses are not eligible for credit awards." NDOC Administrative Regulation (AR) 803.01(1)(B). The district court found that Barral's degree was from an unaccredited institution, and this finding is supported by the record. Therefore, Barral's associate's degree and G.P.A. did not qualify him for any additional educational credits.

Barral also claimed that NDOC AR 803.01 is unconstitutional because it exceeds the scope of NRS 209.4465(3). In particular, Barral

contended that NRS 209.4465(3) does not impose an accreditation requirement and, thus, the Nevada Department of Corrections should be required to remove the accreditation requirement from NDOC AR 803.01. Although we are not convinced that this claim is within the scope of claims permissible in a postconviction habeas petition challenging the computation of time served, *see* NRS 34.720(2), we nevertheless conclude that the claim lacks merit.

NDOC AR 803 was enacted pursuant to NRS 209.432-.449, and those provisions explicitly grant the Board of State Prison Commissioners the authority to create and implement regulations “governing the award, forfeiture and restoration of credits.” NRS 209.4465(6). Moreover, NDOC AR 803.01(1)(B) does not conflict with the plain language of NRS 209.4465(3), which leaves an award of credits to the Director’s discretion and is silent as to which courses render an inmate eligible for credits. Therefore, Barral fails to demonstrate that NDOC AR 803.01 exceeds the scope of NRS 209.4465(3). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Jim C. Shirley, District Judge  
Dustin James Barral  
Attorney General/Carson City  
Pershing County District Attorney  
Clerk of the Court/Court Administrator