


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KELVIN LANEIL JAMES,
Appellant,
vs.
WARDEN WILLIAM "BILL" GITTERE,
Respondent.

No. 89634-COA

FILED

AUG 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kelvin Laneil James appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of sentencing credit filed on July 5, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, James claimed the Nevada Department of Corrections erroneously failed to apply statutory credits toward his minimum sentence and that the application of A.B. 510 to his sentence computation constitutes an ex post facto violation. James failed to allege that he had exhausted his administrative remedies before filing the petition. *See* NRS 34.724(1) ("Any person . . . who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed may file a petition . . . to challenge the computation of time that the person has served."); *see also* NRS 34.724(2)(c). Therefore, we conclude the district court did not err by denying James' petition. *See* NRS 34.810(2) (providing "[t]he court shall dismiss a petition that challenges the computation of time served . . . without prejudice if the court determines

that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724”).

Further, the appropriate remedy for James’ claim would be a parole hearing. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (“[T]he application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier”). And the record supports the district court’s findings that James received a parole hearing; thus, his claim is moot.¹ *See id.* (“[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)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹To the extent James claimed the district court erred in accounting for presentence credit in the judgment of conviction, that claim is untimely and is therefore procedurally barred. *See* NRS 34.726(1).

cc: Hon. Erika D. Ballou, District Judge
Kelvin Laneil James
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk