

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY MINNER,
Appellant,
vs.
WARDEN OLIVER; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 90337-COA

FILED

NOV 26 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Gregory Minner appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on December 10, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Minner claimed he was entitled to work credits under NRS 209.4465(2) because he had made persistent efforts to apply for labor programs. A petitioner must exhaust all available administrative remedies before filing a postconviction habeas petition challenging the computation of time served. *See* NRS 34.724(1), (2)(c). Here, the district court found Minner did not raise his work-credits claim in a first- or second-level grievance before filing the instant petition as required by Nevada Department of Corrections Administrative Regulation (NDOC AR) 740. The record supports this finding. Moreover, Minner's claim was grievable because it challenged the application of credits toward his sentence, which is within NDOC's authority and control. *See* NDOC AR 740.03(4) (stating "claims occurring out of, or relating to, issues within the authority and control of the Department may be submitted for review and resolution"); *see*

also *Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018) (“NRS 209.4465(2) grants NDOC’s Director the discretion to allow not more than 10 days of credit each month for an offender whose *diligence in labor* and study merits such credits.” (internal quotation marks omitted)).

Therefore, Minner failed to demonstrate he had exhausted his administrative remedies before filing the instant petition, and we conclude the district court did not err by dismissing Minner’s petition without prejudice. See NRS 34.810(2) (“The 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.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Gregory Alphonso Minner
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk