

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDAL N. WIIDEMAN,  
Appellant,  
vs.  
ALICE MCGUINNESS,  
Respondent.

No. 41655

**FILED**

MAY 19 2005

ORDER OF AFFIRMANCE

JANETTE M BLOOM  
CLERK OF SUPREME COURT  
By *J. Richards*  
CHIEF DEPUTY CLERK

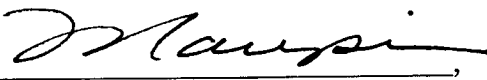
This is a proper person appeal from a district court order granting summary judgment in a false imprisonment action. First Judicial District Court, Carson City; William A. Maddox, Judge.

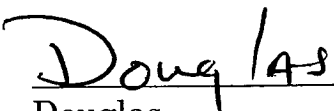
Appellant Randal Wiideman filed suit in April 2000, alleging that he had been falsely imprisoned when the director lengthened his prison term through the unlawful forfeiture of some of his "good time" credits under NRS 209.451. Wiideman reasoned that forfeiture by the director constituted an unconstitutional ex post facto application of the law since, at the time he committed the crimes whose sentences the forfeiture of credits affected, NRS 209.451 permitted credits to be forfeited only by the state board of parole commissioners. Wiideman asserted that he was harmed by the change to NRS 209.451 because the previous law's requirement that forfeiture be made by more than one person afforded offenders greater safeguards against prejudice.

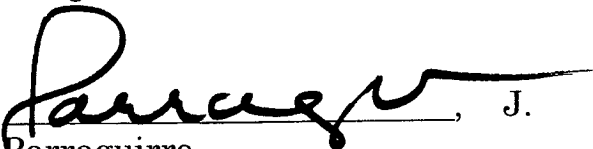
Both Wiideman and respondent Alice McGuinness, a Nevada Department of Corrections employee, filed motions for summary judgment. The district court denied Wiideman's motion for summary judgment, concluding that the situation alleged was not one in which any ex post facto law was applied or in which Wiideman had demonstrated that the change to NRS 290.451 had actually worked to his disadvantage, and that Wiideman had received all credits due. Consequently, the court granted summary judgment to McGuinness. Wiideman appealed.

This court reviews orders granting summary judgment de novo.<sup>1</sup> Summary judgment is appropriate when, after an examination of the record viewed in a light most favorable to the non-moving party, no genuine issues of material fact remain and the moving party is entitled to judgment as a matter of law.<sup>2</sup> Having reviewed the record, we conclude that the district court did not err when it denied Wiideman's motion and granted summary judgment to McGuinness. As we explained to Wiideman in 2001, the forfeiture of his credits by the director under NRS 290.451 is not an ex post facto violation.<sup>3</sup> Accordingly, we affirm the district court's order.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>1</sup>Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 713, 57 P.3d 82, 87 (2002).

<sup>2</sup>Id.; NRCP 56(c).

<sup>3</sup>See Wiideman v. State, No. 33879 (Order of Affirmance, June 13, 2001); California Dept. of Corrections v. Morales, 514 U.S. 499 (1995) (discussing the requirements that must be met before a law will be found to have unconstitutional ex post facto application).

cc: Hon. William A. Maddox, District Judge  
Attorney General Brian Sandoval/Carson City  
Randal N. Wiideman  
Carson City Clerk