

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TACUMA JAWANZA M'WANZA,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 70081

**FILED**

OCT 19 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus that sought the reinstatement of 90 days of credit.<sup>1</sup> Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition below, Tacuma Jawanza M'Wanza claimed that his due process rights were violated because the State illegally deprived him of credit earned. He stated that as a result of a disciplinary action he lost 180 days of good time credit, but upon appeal from that proceeding, the loss of good time credit was reduced to 90 days. M'Wanza asserted the State had failed to restore the 90 days of credit he was entitled to. The State ultimately conceded M'Wanza was entitled to the 90 days of credit, produced documentation demonstrating the 90 days of credit had been restored, and moved to dismiss the petition as moot. On March 24, 2016, the district court entered an order in which the district court denied the

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


petition as moot after finding that documentation authenticated that 90 days of credit had been restored to M'Wanza.


M'Wanza claims the district court erred by denying his petition as moot because, although the 90 days of credit have allegedly been restored to him, his projected expiration date does not reflect a return of those 90 days of credit. He asserts that adding the 90 days of restored credit to all of the other credit he has earned should result in a projected expiration date of October 20, 2016.

It appears M'Wanza mistakenly believes his credit earned should be deducted from his projected expiration date rather than from his maximum sentence. However, statutory credits earned are not deducted from the projected expiration date but from the maximum sentence. See NRS 209.4465(7)(a). The record supports the district court's finding that the 90 days of credit M'Wanza sought has been restored to him. Accordingly, we conclude the district court did not err by denying his petition as moot, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Steve L. Dobrescu, District Judge  
Tacuma Jawanza M'Wanza  
Attorney General/Carson City  
Attorney General/Las Vegas  
White Pine County District Attorney  
White Pine County Clerk