

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DAVID LILLIE,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 72552

FILED

SEP 13 2017

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

ORDER OF AFFIRMANCE

Michael David Lillie appeals from an order of the district court denying an October 14, 2016, postconviction petition for a writ of habeas corpus challenging the computation of time served.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

Lillie contends the Nevada Department of Corrections is failing to deduct statutory credits from his minimum sentence pursuant to NRS 209.4465(7)(b). Lillie was released on parole, had his parole revoked, and has since had another parole hearing. Since a parole hearing would be the only relief available and no statutory authority or caselaw permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), Lillie's claim is moot. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).

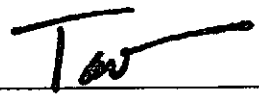
Moreover, his claim lacks merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) specifically excludes offenders convicted of category B felonies from


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

deducting statutory credits from their minimum sentences. Lillie was convicted of a category B felony, *see* NRS 484C.410(1)(a), for an offense committed after NRS 209.4465(8)'s effective date. Accordingly, he is not entitled to the deduction of credits from his minimum sentence. Therefore, we

ORDER the judgment of the district court AFFIRMED.


Silver, C.J.


Tao, J.


Gibbons, J.

cc: Hon. James E. Wilson, District Judge
Michael David Lillie
Attorney General/Carson City
Carson City Clerk