

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN BRADLEY HODGES,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 73061

FILED

DEC 14 2017

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Bradley Hodges appeals from an order of the district court denying his August 9, 2016, postconviction petition for a writ of habeas corpus.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

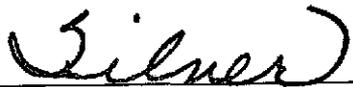
Hodges challenged the computation of time he served pursuant to a judgment of conviction filed in district court case number CR01-0742. Hodges admitted he expired the sentence imposed under that case prior to filing his petition. Hodges' claim was thus not cognizable in a postconviction petition for a writ of habeas corpus. See NRS 34.724(1) (limiting filings to petitioners who are "under sentence of death or imprisonment"); *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999) (concluding district courts cannot grant postconviction relief to habeas petitioners who are no longer incarcerated pursuant to the judgment of conviction contested).

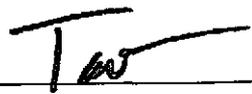
Moreover, as a separate and independent ground to deny relief, Hodges was not entitled to relief. The 2007 amendments to NRS 209.4465

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

increasing the amount of statutory good-time credits offenders earned were not retroactive for those incarcerated at the time of the amendment. See 2007 Nev. Stat., ch. 525, § 5, at 3176, §§ 21-22, at 3196. And even if Hodges were entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b), this claim was moot. The only remedy would have been a parole hearing, but Hodges had already expired his sentence, 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); see also *Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge
Steven Bradley Hodges
Attorney General/Carson City
White Pine County District Attorney
Attorney General/Ely
White Pine County Clerk