IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICK LAMAR HYMON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; AND THE STATE OF NEVADA,
Respondents.

No. 73045

RODERICK LAMAR HYMON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; AND THE STATE OF NEVADA,
Respondents.

No. 73046

RODERICK LAMAR HYMON,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE STATE OF NEVADA,
Respondents.

No. 73047

ORDER OF AFFIRMANCE

Roderick Lamar Hymon appeals from an order of the district court denying three postconviction petitions for a writ of habeas corpus challenging the computation of time served.[1] We elect to consolidate these

[1]The petition in district court case number A-16-741233-W (Docket No. 73045) was filed on August 5, 2016, and the petitions in district court

appeals.[2] *See* NRAP 3(b)(2). Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

First, Hymon contends the district court failed to address all of the claims he raised below and did not allow him to file a response. Hymon does not specify which claims the district court did not address, and he did not first seek the district court's leave to file additional pleadings. *See* NRS 34.750(5). We therefore conclude no relief is warranted on these claims.

Hymon also contends the district court was biased against him, because he did not receive district court minutes in a timely manner, the district court did not file its written order denying the petition within 20 days of the hearing, and the State's response referenced all three case numbers when Hymon only received minutes and a case summary for one case number. Hymon fails to allege facts that demonstrate judicial bias. *See Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) ("[T]he moving party must allege bias that stems from an extrajudicial source and results in an opinion on the merits on some basis other than what the judge learned from [her] participation in the case." (internal quotation marks and punctuation omitted)). We therefore conclude no relief is warranted on this claim.

Next, Hymon claimed NRS 213.1519(1) was applied to him in a manner that violated the Ex Post Facto Clauses of the United States and Nevada Constitutions. A law violates the Ex Post Facto Clause when it is both retrospective and disadvantages the offender. *Weaver v. Graham*, 450

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case numbers A-16-744823-W (Docket No. 73046) and A-16-744824-W (Docket No. 73047) were filed on October 11, 2016.

[2]These appeals have been submitted for decision without oral argument. NRAP 34(f)(3).

U.S. 24, 29 (1981); *Goldsworthy v. Hannifin*, 86 Nev. 252, 255, 468 P.2d 350, 352 (1970). Hymon alleged only that he forfeited credits earned pursuant to NRS 209.4465(1) (statutory good-time credits). At the time Hymon committed his crimes, NRS 213.1519(1) provided for the forfeiture of "*all* credits previously earned . . . pursuant to chapter 209 of NRS." 1995 Nev. Stat., ch. 443, § 237, at 1260 (emphasis added); *see Goldsworthy*, 86 Nev. at 255, 468 P.2d at 352 ("Ex post facto laws . . . inflict greater punishment than that affixed when the offense was committed."). We conclude the alleged forfeiture of only statutory good-time credits did not work to Hymon's disadvantage, and therefore, the district court did not err by denying this claim.

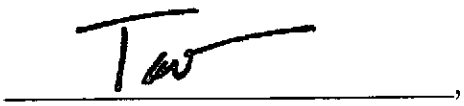
Hymon also claimed the Nevada Board of Parole Commissioners violated his rights under the Due Process and Ex Post Facto Clauses when it used a new rule to forfeit automatically his statutory good-time credits upon the mere allegation of a parole violation. Hymon failed to identify the alleged rule or show it was applied retrospectively or to his disadvantage, and he thus failed to demonstrate a violation of the Ex Post Facto Clause. *See Goldsworthy*, 86 Nev. at 255, 468 P.2d at 352. In support of his due-process argument, Hymon relied on an alleged statement of counsel prior to Hymon's parole-revocation hearing that he had already forfeited his credits. Even if Hymon's allegation of counsel's statement is true, it does not necessarily follow that the Board imposed the mandatory forfeiture provisions of NRS 213.1519 prior to revoking Hymon's parole. We therefore conclude the district court did not err by denying this claim. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding a petitioner is not entitled to an evidentiary hearing where his claims are

unsupported by specific factual allegations that, if true, would have entitled him to relief).

Finally, Hymon claimed the Nevada Department of Corrections (NDOC) failed to apply work and educational credits he earned while incarcerated between 2003 and 2006. Hymon acknowledged he received 90 days' credit for earning his high school diploma and 180 days' credit for completing OASIS rehabilitation programs but claimed he should also have received an additional 10 days per month of educational credits pursuant to NRS 209.4465(2). The 10 days of credit per month is discretionary, *see* NRS 209.4465(2) ("[T]he Director *may* allow not more than 10 days of credit each month." (emphasis added)), and Hymon has not demonstrated the NDOC Director abused his discretion. Further, Hymon's bare claim did not specify what work credits he believed he was entitled to but did not receive. *See Hargrove*, 100 Nev. at 502, 686 P.2d at 225. We therefore conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Roderick Lamar Hymon
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk