

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAMOND KEITH WALKER,
Appellant,
vs.
JO GENTRY, WARDEN; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 75063-COA

FILED

NOV 06 2018

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

ORDER OF AFFIRMANCE

Lamond Keith Walker appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 5, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

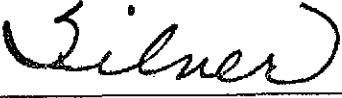
Walker claimed in his petition that the Nevada Department of Corrections (NDOC) improperly declined to award him credits for work and/or study. Walker conceded he did not work or study. However, he contended he should have been awarded credits because he was willing and able to work or study, but the NDOC did not have opportunities for him to work or study. Walker's claim lacked merit because NRS 209.4465(2) requires prisoners to actually work or study to earn the credits. Therefore, the district court did not err by denying the petition.


On appeal, Walker claims he was actually raising a challenge to the NDOC's improper refusal to apply his statutory credits toward his


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

minimum term. Our review of the record does not demonstrate Walker raised this claim below, and we decline to consider this claim for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Lamond Keith Walker
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk