

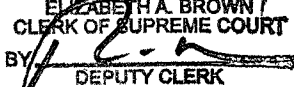
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAUL THOMAS MCCREARY,  
Appellant,  
vs.  
T. THOMAS,  
Respondent.

No. 75245

**FILED**

OCT 12 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Paul Thomas McCreary appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Appellant Paul Thomas McCreary argues the district court erred by denying his February 5, 2018, petition. In his petition, McCreary asserted the Nevada Department of Corrections (NDOC) had improperly calculated his parole hearing date. Our review of this matter reveals McCreary is not entitled to relief. In his informal brief and in an additional document he filed on appeal, McCreary states he received a parole hearing on March 27, 2018. As a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989),


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

McCreary's claim is moot. Therefore, we conclude McCreary is not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

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

cc: Hon. Steve L. Dobrescu, District Judge  
Paul Thomas McCreary  
Attorney General/Carson City  
Attorney General/Ely  
White Pine County Clerk

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<sup>2</sup>In its order denying the petition, the district court stated that McCreary had not challenged the computation of time served. However, a review of the record demonstrates McCreary's assertion that the NDOC had improperly calculated his parole hearing date was a challenge to the computation of his sentence. Nevertheless, because McCreary is not entitled to relief, we affirm. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

We have considered McCreary's April 24, 2018, "Notice of Further Time Computation Violation," and we conclude no relief is warranted.