

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JORGE AVALOS PENA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75536-COA

**FILED**

DEC 19 2018

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

*ORDER OF AFFIRMANCE*

Jorge Avalos Pena appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 1, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Pena claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court denied Pena's petition after finding he was not entitled to have good time credits applied to his parole eligibility date because he committed a category B felony after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons from receiving credit toward their minimum sentence. Although the record before this court does not contain a copy of Pena's judgment of conviction, he acknowledged that he had been convicted of a category B felony for a crime he committed after 2007. Accordingly, we conclude Pena


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

failed to demonstrate he was entitled to relief, and the district court did not err by denying his petition. Therefore, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Jorge Avalos Pena  
Attorney General/Carson City  
Eighth District Court Clerk