

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERRICK EVERETT BISHOP, A/K/A
DERICK BISHOP,

Appellant,

vs.

THE STATE OF NEVADA; AND JAMES
DZURENDA, DIRECTOR OF NDOC,
Respondents.

No. 75463-COA

FILED

FEB 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Derrick Everett Bishop appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

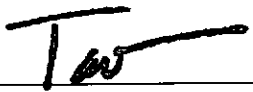
In his January 2, 2018, petition, Bishop claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his parole eligibility date. The district court dismissed Bishop's petition on the basis that he made a bare allegation, but also found Bishop was convicted of a category B felony and committed the offense in 2016. As the record contained sufficient information concerning Bishop's conviction, it was not accurate to conclude that his claim was a bare allegation. Nevertheless, Because NRS 209.4465(8)(d) precludes the application of credit to a prisoner convicted of a category B felony, and the district court's findings concerning Bishop's conviction are supported by the

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

record, we conclude the district court did not err by dismissing Bishop's petition. *See Wyatt v. State*, 86 Nev. 292, 298, 468 P.2d 338, 341 (1970). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Derrick Everett Bishop
Attorney General/Carson City
Carson City Clerk