

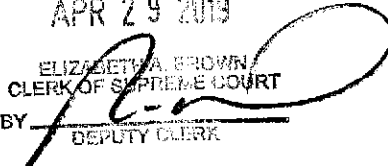
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DALE RULE,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND JO GENTRY,  
Respondents.

No. 77434-COA

**FILED**

APR 29 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Michael Dale Rule appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 14, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Rule claimed that he was entitled to jail and work credits pursuant to NRS 209.4465 and the “U.S. Department of Justice Review of the Nevada Department of Corrections’ Compliance with Title II of the Americans with Disabilities Act.” The district court found that the Nevada Department of Corrections was correctly applying statutory credits to Rule’s maximum prison sentence, Rule was not eligible to have statutory credits applied to his minimum prison sentence, Rule was not entitled to work credits for work he did not perform, and Rule failed to state a claim upon which relief may be granted under the Americans with Disabilities Act.

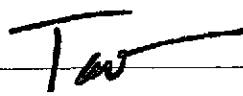
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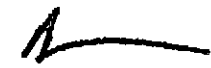
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

On appeal, Rule appears to claim the district court erred by finding he was not eligible to have statutory credits applied to his minimum prison sentence. However, the district court found that Rule had been convicted of a category B felony, he committed his felony after NRS 209.4465 was amended in 2007, and NRS 209.4465(8)(d) specifically excludes the application of statutory credits to the minimum sentences of category B felons. The district court's findings are supported by the record,<sup>2</sup> and we conclude the district court did not err by determining Rule was not eligible to have statutory credits applied to his minimum sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Linda Marie Bell, Chief Judge  
Michael Dale Rule  
Attorney General/Las Vegas  
Eighth District Court Clerk

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<sup>2</sup>Rule was convicted of burglary for a crime he committed in 2014. See NRS 205.060(2).