

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ENRIQUE BANUELOS,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 76684-COA

FILED

MAY 15 2019

ELIZABETH A. BROWN  
CLERK OF THE COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Enrique Banuelos appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on June 11, 2018.<sup>1</sup> Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Banuelos claims the Nevada Department of Corrections has violated his Fourteenth Amendment right to equal protection of the law by refusing to apply statutory credits he has earned to his minimum sentence based on the date he committed his crime. To this end, he argues that he is situated similarly to the inmates in *Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981), and he should be allowed to have his statutory credits applied to his minimum sentence just as they were.

We conclude Banuelos' equal protection claim lacks merit because "the disparate application of statutory credits to parole eligibility based on when an offender committed an offense is rationally related to a legitimate governmental interest and thus does not offend the Equal Protection Clauses of the United States and Nevada Constitutions." *Vickers*


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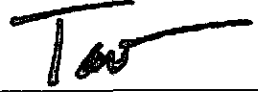
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


*v. Dzurenda*, 134 Nev., Adv. Op. 91, \*8-9, 433 Nev. 306, 310 (Ct. App. 2018).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jim C. Shirley, District Judge  
Enrique Banuelos  
Attorney General/Carson City  
Pershing County Clerk