

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMON T. POWELL,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 77409-COA

**FILED**

JUL 18 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Damon T. Powell appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 8, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Powell claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. However, the district court found that Powell had appeared before the Nevada Board of Parole Commissioners, he had been granted discretionary parole on his sentence, and consequently his claim was moot.

The record supports the district court's factual findings. Because a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017), we conclude the district court did not err by determining Powell's claim was

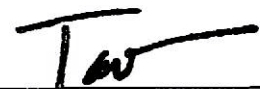
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

moot, see *Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Damon T. Powell  
Attorney General/Las Vegas  
Eighth District Court Clerk