

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIS ESTES,
Appellant,
vs.
BRIAN E. WILLIAMS, WARDEN,
Respondent.

No. 70958

FILED

MAY 16 2017

ELIZABETH A. DOWNS
CLERK OF SUPREME COURT
BY *[Signature]*

ORDER OF AFFIRMANCE

Willis Estes appeals from an order of the district court denying the "Plaintiff's complaint and request court's 'order' to Nevada Department of Corrections (NDOC) and Warden Brian Williams Sr. to properly 'apply' lawful stat time under statutes and AB510 applications" he filed on April 8, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his complaint, Estes claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term.² The district court concluded Estes was not entitled to relief because Estes is currently serving prison terms for assault with the use of a deadly weapon and battery with the use of a deadly weapon, both category B felonies, *see* NRS 200.471(2)(b); NRS

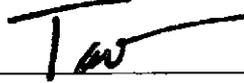
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²We conclude the district court did not abuse its discretion by construing the complaint as a postconviction petition for a writ of habeas corpus. *See* NRS 34.720(2).

200.481(2)(e)(1), committed in 2012, and for those reasons, the NDOC may only apply Estes' statutory credits toward his maximum term pursuant to NRS 209.4465(8). Given these circumstances, we conclude the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Willis Estes
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk