

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTWAINNE BROWN,  
Appellant,  
vs.  
BRIAN E. WILLIAMS, SR., WARDEN,  
Respondent.

No. 71137

**FILED**

JUN 14 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Antwainne Brown 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 May 4, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his complaint, Brown claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term.<sup>2</sup> The district court concluded Brown was not entitled to relief because Brown is currently serving prison terms for burglary while in possession of a firearm and robbery with the use of a deadly weapon, both category B felonies, *see* NRS 193.165; NRS

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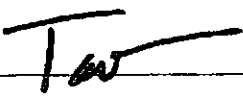
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


<sup>2</sup>We 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).

200.380(2); 205.060(4), committed in 2008 and 2009, and for those reasons, the NDOC may only apply Brown's 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  
Antwaine Brown  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk