

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MIGUEL ANGEL LOPEZ-SUAREZ,
Appellant,
vs.
BRIAN E. WILLIAMS, WARDEN;
JAMES DZURENDA, DIRECTOR OF
NDOC; OFFICE OF OFFENDER
MANAGEMENT; AND THE STATE OF
NEVADA,
Respondents.

No. 71738'

FILED

OCT 12 2017

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

MIGUEL ANGEL LOPEZ-SUAREZ,
Appellant,
vs.
BRIAN E. WILLIAMS, SR., WARDEN,
Respondent.

No. 71739

MIGUEL ANGEL LOPEZ-SUAREZ,
Appellant,
vs.
THE STATE OF NEVADA; JO GENTRY
S.D.C.C.; AND BRIAN WILLIAMS, SR.,
WARDEN
Respondents.

No. 71740

ORDER OF AFFIRMANCE

Miguel Angel Lopez-Suarez appeals from orders of the district court denying three postconviction petitions for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

¹Docket No. 71738 is an appeal from the denial of a petition filed on May 31, 2016, in district court case number A-16-737563-W. Docket No. 71739 is an appeal from the denial of a petition filed on July 25, 2016, in
continued on next page . . .

In his petitions, Lopez-Suarez claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits toward his minimum term. The district court concluded Lopez-Suarez was not entitled to relief because he is serving a prison term for a category B felony he committed in 2013, and for those reasons, the NDOC may only apply credits toward Lopez-Suarez' maximum term pursuant to NRS 209.4465(8)(d).² Given these circumstances, we conclude the district court did not err in denying this claim.

Next, Lopez-Suarez appeared to claim the NDOC improperly denied him the opportunity to earn work credits despite his willingness to work while incarcerated. Lopez-Suarez had no right to employment while in prison. *See* NRS 209.461(1); *Collins v. Palczewski*, 841 F. Supp. 333, 336-37 (D. Nev. 1993) (recognizing a prisoner has no independent constitutional right to employment and that the Nevada statutes do not mandate employment). Therefore, Lopez-Suarez cannot demonstrate lack

... continued

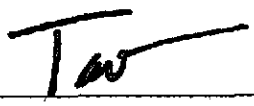
district court case number A-16-740529-W. Docket No. 71740 is an appeal from the denial of a petition filed on October 10, 2016, in district court case number A-16-744764-W. These appeals have been submitted for decision without oral argument and we conclude the records are sufficient for our review and briefing is unwarranted. *See* NRAP 34(f)(3), (g).

²In all three petitions, Lopez-Suarez challenged the computation of time served for his sentence for attempted discharging a firearm out of a motor vehicle, a category B felony. *See* NRS 193.330(1)(a)(2); NRS 202.287(1)(b).

of employment and the resulting lack of opportunity to earn statutory credits violated any protected right or the NDOC was required to award him credits he is not able to earn. Therefore, the district court did not err in denying this claim.

Having concluded Lopez-Suarez is not entitled to relief, we
ORDER the judgments of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Miguel Angel Lopez-Suarez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk