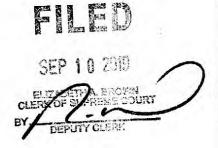
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL ELIYAHSHUA KLEIN,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; JAMES
DZURENDA, DIRECTOR; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 77492-COA



ORDER OF AFFIRMANCE

Daniel Eliyahshua Klein appeals from a district court order denying a postconviction petition for a writ of habeas corpus that was filed on March 15, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Klein argued the Nevada Department of Corrections (NDOC) was not applying statutory credit to his minimum and maximum terms as required by NRS 209.4465. The district court found Klein was convicted of trafficking in a controlled substance, a category B felony, that was committed in 2015, and he was sentenced under NRS 207.010(1)(a) to a term of 72 to 240 months. The district court also found Klein was serving the sentence for that conviction. The district court concluded that, because Klein was convicted of a category B felony, NRS 209.4465(8)(d) prohibited application of credit to his minimum term. The district court also found NDOC is properly applying statutory credit to Klein's maximum term. The record supports the district court's findings,

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and we conclude the district court did not err by denying these claims. See NRS 207.010(1)(a); NRS 209.4465(8)(d); NRS 453.3385(1)(b); Doolin v. State, 134 Nev., Adv. Op. 98, *8, 440 P.3d 53, 56 (Ct. App. 2018).

Klein also argued that NDOC was improperly denying him work and study credit because he has made every effort to participate in rehabilitation, and educational and/or work programs while incarcerated. The district court denied this claim, finding Klein does not have a liberty interest in work credit, he is only entitled to credit for work actually performed and programs completed, and he has received credit for those days when he was working and completed his work. The record supports the district court's findings, and we conclude the district court did not err by denying this claim. See Vickers, 134 Nev., Adv. Op. 91, at *2-3, 433 P.3d at 308 (rejecting similar claim). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Bulla

Gibbons, C.J.

¹To the extent Klein also argued application of NRS 209.4465(8)(d) to him to prohibit application of credit to his minimum term violates his right to equal protection, this claim lacked merit. See Vickers v. Dzurenda, 134 Nev., Adv. Op. 91, *8, 433 P.3d 306, 310 (Ct. App. 2018) (rejecting similar claim).

Tao

cc: Hon. Linda Marie Bell, Chief Judge Daniel Eliyahshua Klein Attorney General/Las Vegas Eighth District Court Clerk