

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

FILED

SEP 10 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*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,

and we conclude the district court did not err by denying these claims.<sup>1</sup> 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.

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

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

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

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<sup>1</sup>To 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).

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