

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANCISCO SILVA,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 78265-COA

FILED

OCT 22 2019

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

ORDER OF AFFIRMANCE

Francisco Silva appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his September 13, 2018, petition, Silva first argued the Nevada Department of Corrections (NDOC) improperly refused to apply statutory credits toward his minimum parole eligibility date. Silva was sentenced pursuant to statutes that specified a minimum term that must be served before a defendant becomes eligible for parole. *See* NRS 200.366 (2003); NRS 201.230 (2003). Because the relevant statutes specified minimum sentences that Silva must serve before he is eligible for parole, the district court properly found, pursuant to NRS 209.4465(7)(b), NDOC may not apply statutory credits to reduce Silva's minimum term for those sentences. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 596-97, 402 P.3d 1260, 1262 (2017). Therefore, the district court did not err by denying this claim.

Second, Silva claimed that failure to apply credits to all inmates in a uniform manner violates the Equal Protection Clause. This court has addressed a similar claim and found it to lack merit. *See Vickers v.*

Dzurenda, 134 Nev., Adv. Op. 91, *3-8, 433 P.3d 306, 308-10 (Ct. App. 2018).

Accordingly, Silva was not entitled to relief, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Francisco Silva
Attorney General/Carson City
Pershing County Clerk