

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MANUEL D. ORELLANA,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 78262-COA

**FILED**

NOV 05 2019

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

*ORDER OF AFFIRMANCE*

Manuel D. Orellana 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 19, 2018, petition, Orellana first argued the Nevada Department of Corrections (NDOC) improperly refused to apply statutory credits toward his minimum parole eligibility date. Orellana was sentenced pursuant to a statute that specified a minimum term that must be served before a defendant becomes eligible for parole. See NRS 201.230(2) (2005). Because the relevant statute specified a minimum sentence that Orellana 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 Orellana'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.

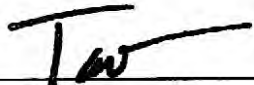
Second, Orellana appeared to claim the application of NRS 209.4465(7)(b) violates the Ex Post Facto Clause. However, because Orellana committed his crime after NRS 209.4465(7)(b) became effective in

1997, his claim was without merit. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Third, Orellana appeared to claim 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, Orellana 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  
Manuel D. Orellana  
Attorney General/Carson City  
Pershing County Clerk