

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEY KADMIRI,  
Appellant,

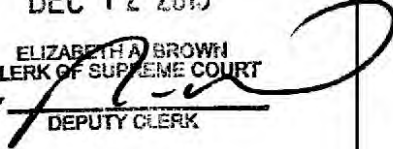
vs.

THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND WILLIAM A. GITTERE, WARDEN,  
Respondents.

No. 78613-COA

**FILED**

DEC 12 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Joey Kadmiri appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his March 18, 2018, petition, Kadmiri first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his parole eligibility date. The district court found Kadmiri was serving a term for a category B felony committed after the effective date of NRS 209.4465(8). For those reasons, the district court found NDOC had properly only applied Kadmiri's credits toward his maximum term. The record supports these factual findings and the district court did not err by denying this claim.

Second, Kadmiri claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because Kadmiri committed his offense after NRS 209.4465(8) became effective in 2007, his claim was

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without merit. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). Therefore, the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Steve L. Dobrescu, District Judge  
Joey Kadmiri  
Attorney General/Carson City  
White Pine County District Attorney  
White Pine County Clerk