

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL WILLIAM LUND,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND THE STATE OF NEVADA,
Respondents.

No. 78103-COA

FILED

DEC 12 2019

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

ORDER OF AFFIRMANCE

Michael William Lund appeals from a district court order denying a motion for the application of additional earned credits that was filed on October 1, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

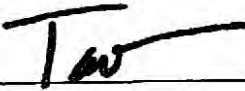
In his motion, Lund claimed the Nevada Department of Corrections (NDOC) has failed to apply statutory credit he has earned to his minimum term. The district court properly construed Lund's motion as a postconviction petition for a writ of habeas corpus. *See* NRS 34.724(2)(c).

The district court found Lund was convicted of cruelty to animals, a category D felony, *see* NRS 574.100(6)(a), and attempted ownership or possession of a firearm by a prohibited person, a category C felony, *see* NRS 193.330(1)(a)(3); NRS 202.360(1), and sentenced to concurrent prison terms of 14 to 40 months. The district court also found NDOC had applied credit to Lund's minimum term for his category C felony, but not his category D felony, and Lund had already received a parole hearing and been granted parole on his sentences. The district court determined that because Lund had already received a parole hearing, no

relief could be granted and Lund's claim was moot. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) ("[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence." (internal citation omitted)). The record before this court supports the district court's findings, and we conclude the district court did not err by denying this claim. Accordingly,

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Michael William Lund
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk