

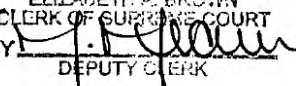
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY KENNETH ANDERSON,
Appellant,
vs.
WARDEN GABRIELA NAJERA; STATE
OF NEVADA; OFFENDER
MANAGEMENT DIVISION,
Respondent.

No. 86658-COA

FILED

APR 05 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Kenneth Anderson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 23, 2023. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Anderson claimed the Nevada Department of Corrections (NDOC) erroneously failed to apply statutory credits toward his minimum parole eligibility date. He also argued he was entitled to a 40% and to a 58% reduction in his minimum parole eligibility term. Finally, he argued that NDOC improperly classified him as a sex offender which has affected his security level in prison and his ability to participate in certain programs. These claims were successive insofar as he had previously filed two postconviction petitions for a writ of habeas corpus that were decided on the merits, and they constituted an abuse of the writ insofar as he raised

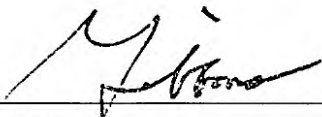
claims new and different from those raised in his previous petitions.¹ See NRS 34.810(1)(b)(2); NRS 34.810(3). Anderson’s petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(1)(b); NRS 34.810(4).

Anderson appeared to argue he had good cause to excuse the procedural bars because NDOC did not follow the district court’s previous order regarding application of credits to his minimum parole eligibility date. However, Anderson’s claims regarding the application of credits to his minimum parole eligibility date were moot because he had already received two parole hearings. 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)). Moreover, Anderson’s claim regarding his classification was not cognizable in a postconviction petition for a writ of habeas corpus. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (stating “a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof”). Therefore, Anderson’s petition was procedurally barred, and we

¹See *Anderson v. Howell*, No. 80625-COA, 2020 WL 4383581 (Nev. Ct. App. Jul. 30, 2020) (Order of Affirmance). Anderson did not appeal from the denial of his first petition.

conclude the district court did not err by denying his petition. Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Anthony Kenneth Anderson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk