

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLYDE BIGGS,
Appellant,
vs.
CALVIN JOHNSON, WARDEN,
Respondent.

No. 83717-COA

FILED

MAR 30 2022

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

ORDER OF AFFIRMANCE

Clyde Biggs appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 7, 2021. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Biggs argues the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) is not properly applying his meritorious credits to his projected expiration date. Specifically, based on the credit history report he had, Biggs stated NDOC correctly applied his meritorious credits to his maximum sentence but argued his projected expiration date did not change by the same amount of credits.

We note that Biggs misunderstands how the projected expiration date is calculated. As Biggs acknowledged, when an inmate is sentenced to a minimum and maximum term of years, NDOC predicts a sentence expiration date based on the assumption that the inmate will earn the maximum amount of good-time and labor credits every month. When statutorily earned meritorious credits are applied to the maximum sentence, those credits reduce the number of months to be served. And because the inmate will serve fewer months, even if he earns the maximum amount of good-time and labor credits, the total amount of good-time and

labor credits that will be earned will be less than previously projected. Thus when the meritorious credits are applied, the new projected expiration date will be sooner, but it will not be equal to the number of meritorious credits awarded. Therefore, Biggs was not entitled to relief on this claim.

Further, because Biggs's credit history report shows him receiving the proper amount of credits for his meritorious work and schooling, we conclude the district court did not err by finding that Biggs had been properly credited with all of his credits. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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