

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY A. PAWLIK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45469

FILED

AUG 18 2005

ORDER OF AFFIRMANCE

JANEITE M. SLOAN
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

On March 29, 2005, appellant filed a petition for a writ of habeas corpus in the district court. The State opposed the petition. On June 21, 2005, the district court denied the petition. This appeal followed.

In his petition, appellant challenged the denial of parole. Appellant claimed that the Nevada Board of Parole Commissioners had acted arbitrarily and capriciously in denying parole, and he claimed that his due process rights were violated as a result.


Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant's petition was without merit. Parole is an act of grace; a prisoner has no constitutional right to parole.¹ NRS 213.10705 explicitly states that "it is not intended that the establishment of standards relating [to parole] create any such right or interest in liberty or property or establish any


¹See NRS 213. 10705; Niergarth v. Warden, 105 Nev. 26, 768 P.2d 882 (1989).

basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees." A due process claim may not be successfully made in the instant case because NRS 213.1099 does not create a constitutionally cognizable liberty interest.² Therefore, we affirm the order of the district court.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Stewart L. Bell, District Judge
Henry A. Pawlik
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See Severance v. Armstrong, 96 Nev. 836, 620 P.2d 369 (1980).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).