


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT L. STOCKMEIER,  
Petitioner,  
vs.  
THE SIXTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
PERSHING, AND THE HONORABLE  
RICHARD A. WAGNER, DISTRICT  
JUDGE,  
Respondents,  
and  
PSYCHOLOGICAL REVIEW PANEL  
AND WARDEN CRAIG FARWELL,  
Real Parties in Interest.

No. 48677

**FILED**

MAY 11 2007

JUANETTE M. BOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus seeks to compel the district court to comply with this court's decision on rehearing in Stockmeier v. Psychological Review Panel,<sup>1</sup> in which we instructed respondent district court to issue a writ of mandamus directing real parties in interest to allow petitioner to apply for parole, from the first of his consecutive sentences, without the Psychological Review Panel's certification. As directed, the district court and real parties in interest have filed answers, and as permitted, petitioner Robert L. Stockmeier has filed a reply.

<sup>1</sup>122 Nev. 534, 135 P.3d 807 (2006).

Having reviewed the petition, the answers, and the reply, we conclude that extraordinary relief is not warranted.<sup>2</sup> In particular, it appears that we could grant no effective relief at this time.

In Stockmeier, a June 2006 opinion, we noted that Stockmeier was “currently seeking parole from his first sentence,” and we discussed whether he had to obtain Psychological Review Panel certification to do so.<sup>3</sup> Determining that such certification was not necessary, since Stockmeier would not be “released” if paroled, we directed the district court “to grant the petition to allow Stockmeier to apply for parole without Psych Panel certification from the first of his consecutive sentences.”<sup>4</sup> Our opinion did not direct the district court to issue any writ instructing respondents to allow Stockmeier to immediately apply for parole outside the context of any upcoming scheduled parole hearing dates.

As a result, it appears that the district court has complied with our direction on remand to the extent possible and necessary. The court held hearings to determine what action was required in light of the Stockmeier opinion. During those hearings, the court was informed that, on January 6, 2006, while Stockmeier’s appeal was pending before this court, he obtained certification and was considered and denied for parole, and that his next parole hearing is scheduled for May 1, 2008. The court then, on March 19, 2007, entered an order noting respondents’ agreement

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<sup>2</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that whether to grant extraordinary relief is within this court’s discretion).

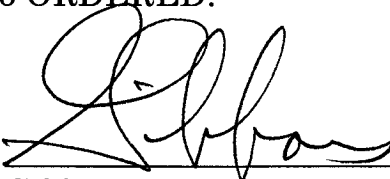
<sup>3</sup>122 Nev. at 542, 541-43, 135 P.3d at 812, 811-12.

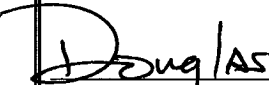
<sup>4</sup>Id. at 543, 135 P.3d at 812.

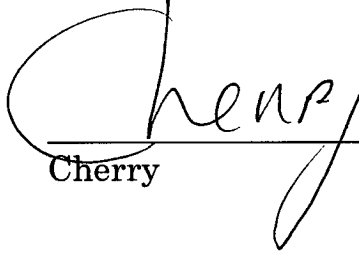
that, with respect to the May 1, 2008 scheduled hearing, Stockmeier would not be required to obtain any Pysch Panel certification. (Respondents have reiterated this agreement in their answer.) Accordingly, the district court provided in its March 19 order that no action would be taken at that time.

In its answer, the district court indicates that no writ issued because the matter was moot.<sup>5</sup> But, the district court asserts, if Stockmeier is denied a hearing when he becomes eligible for one, the court “stands ready to see that the appropriate officials are mandated to carry out their official duties.” Accordingly, as the district court has acted in accordance with our direction on remand to the extent any controversy existed, our intervention is not warranted, and we deny Stockmeier’s petition for extraordinary relief.<sup>6</sup>

It is so ORDERED.<sup>7</sup>

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

<sup>5</sup>See generally University Sys. v. Nevadans for Sound Gov’t, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (noting that, generally, a court should not render any decision that cannot affect the matter in issue before it).

<sup>6</sup>NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

<sup>7</sup>In light of this order, petitioner’s request for an expedited decision is denied as moot.

cc: Hon. Richard Wagner, District Judge  
Robert Leslie Stockmeier  
Attorney General Catherine Cortez Masto/Carson City  
Pershing County Clerk