

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEROY COLLINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49475

**FILED**

MAR 26 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On February 13, 2007, appellant filed a petition for a writ of habeas corpus in the district court. The State moved to dismiss the petition, and appellant filed a reply. The district court dismissed the petition without prejudice, stating that it was unable to determine the legal basis and arguments made by appellant in support of his request for relief. This appeal followed.

Having reviewed the record on appeal, we conclude that the district court did not err by dismissing the petition without prejudice. Appellant requested the district court to grant his petition and grant him parole on each of his consecutive sentences. However, appellant did not

identify an adequate legal basis or any cogent argument supporting his request for relief. Therefore, we affirm the dismissal of appellant's petition without prejudice.<sup>1</sup>

To the extent that appellant's petition can be read to claim that the Nevada Board of Prison Commissioners improperly required him to be certified by the Nevada Psychological Review Panel (Psych Panel) prior to receiving an institutional parole to his consecutive sentences imposed in another case, we conclude that appellant failed to demonstrate any harm. Although this court held in Stockmeier v. Psychological Review Panel that prisoners must be certified by the Psych Panel only when their parole will result in their release from prison,<sup>2</sup> the record reveals that appellant received an institutional parole in the instant matter in 2000, six years before this court's decision in Stockmeier. Because appellant has already received an institutional parole in this matter, he failed to demonstrate any harm.

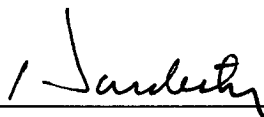
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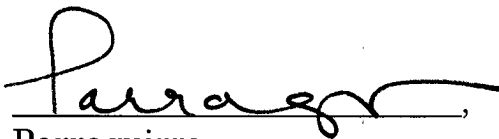
<sup>1</sup>Because the district court dismissed the petition without prejudice, appellant may refile his petition after redrafting it to include sufficient factual allegations to support his request for relief.


<sup>2</sup>122 Nev. 534, 542, 135 P.3d 807, 812 (2006).

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.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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

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

<sup>4</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter; and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Michelle Leavitt, District Judge  
Leroy Collins  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk