

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY A. PAWLIK,
Appellant,
vs.
NEVADA BOARD OF PAROLE
COMMISSIONERS,
Respondent.

No. 49900

FILED

FEB 08 2008

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On April 20, 2007, appellant filed a petition for a writ of mandamus in the district court. The State opposed the petition. On September 26, 2007, 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 acted arbitrarily and capriciously in denying mandatory parole, that it failed to give him adequate reasons for denying parole, and 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. NRS 213.1215 generally requires eligible prisoners to be released on parole 12 months prior to the expiration of their maximum term. However, NRS 213.1215(3) authorizes the Board to deny mandatory parole upon a finding that there is a reasonable probability that an inmate would be a danger to public safety while on parole. The Board made such

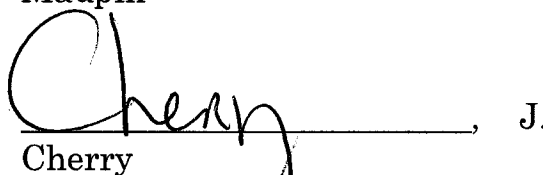
a finding, and appellant did not demonstrate that the Board acted arbitrarily or capriciously in denying parole. Moreover, any due process requirements have been met because the Board held a hearing and provided a written determination that parole should be denied due to the reasonable probability that appellant would be a danger to public safety while on parole.¹ 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.² Accordingly, we

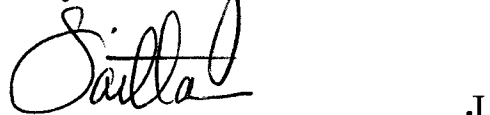
ORDER the judgment of the district court AFFIRMED.



Maupin



Cherry



Saitta

¹Greenholtz v. Inmates of Neb. Penal and Correctional Complex, 442 U.S. 1, 16 (1979) (providing that a parole procedure which affords an opportunity to be heard and informs an inmate in what respect he falls short of qualifying for parole if parole is denied, would comport with due process).

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

cc: Hon. Valerie Adair, District Judge
Henry A. Pawlik
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk