

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN LEROY JONES,  
Appellant,  
vs.  
WARDEN, SOUTHERN NEVADA  
CORRECTIONAL CENTER, LENARD  
VARE,  
Respondent.

No. 51105

**FILED**

SEP 25 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 denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

On September 20, 2007, appellant filed a proper person petition for a writ of habeas corpus in the district court challenging the revocation and/or denial of parole. The State opposed the petition. On January 29, 2008, the district court denied the petition. This appeal followed.

Appellant, incarcerated pursuant to a 1985 judgment of conviction for second-degree murder and serving a sentence of life imprisonment with the possibility of parole, claimed that his parole violation should be modified in accordance with Assembly Bill 510. Appellant claimed that his parole was revoked in March 2005, and that after the passage of Assembly Bill 510 he wrote the Board of Parole Commissioners but received no reply as to when or how the amendments would apply to him. Appellant claimed that Assembly Bill 510 necessitated that he be reinstated to parole immediately.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's petition. Appellant failed to identify in his petition which section of Assembly Bill 510 applied to him. To the extent that appellant was referring to the increased amount of statutory good time credits available under NRS 209.4465, appellant's reliance upon any amendment to NRS 209.4465 was misplaced as appellant's earning of credits is governed by NRS 209.443 and Assembly Bill 510 did not modify NRS 209.443.<sup>1</sup>

Further, appellant failed to demonstrate that any protected due process rights were violated by the denial of parole or the revocation of his parole. Appellant failed to provide any specific argument in his petition regarding how the revocation of parole violated due process or how the denial of parole violated due process. Notably, parole is an act of grace; a prisoner has no constitutional right to parole.<sup>2</sup> 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 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.<sup>3</sup> Therefore, we affirm the order of the district court.

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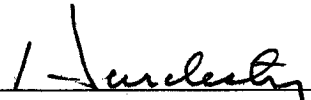
<sup>1</sup>See 2007 Nev. Stat., ch. 525, §§ 1-20, at 3170-3196.

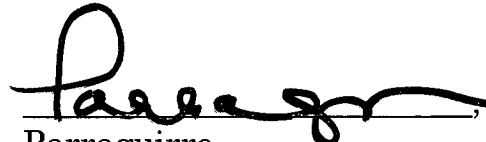
<sup>2</sup>See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 768 P.2d 882 (1989).

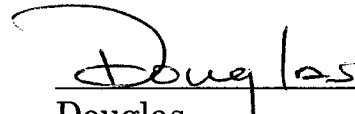
<sup>3</sup>See Severance v. Armstrong, 96 Nev. 836, 620 P.2d 369 (1980).

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>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

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

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

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

cc: Hon. Kenneth C. Cory, District Judge  
John Leroy Jones  
Attorney General Catherine Cortez Masto/Las Vegas  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>5</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.