

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52503

**FILED**

MAY 13 2009

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 a post-conviction petition for a writ of habeas corpus and an order denying a motion for reconsideration. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On May 13, 2008, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State opposed the motion. On September 4, 2008, appellant filed a motion for reconsideration based on the parole board's denial of parole. On October 15, 2008, the district court dismissed the petition as moot and denied the motion for reconsideration. This appeal followed.

In his petition, appellant asserted that he was denied a timely parole hearing. Appellant asserted that he was eligible for a parole hearing on May 6, 2008, but that he had not received a parole hearing on that date.


The record indicates that appellant received a parole hearing on July 22, 2008. This renders appellant's petition moot as the only remedy available would be to order the parole board to conduct a hearing. Because appellant received a parole hearing, appellant's petition was

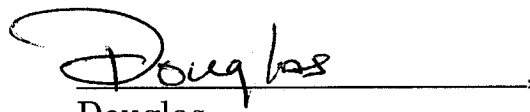
rendered moot during the pendency of the proceedings, and for that reason, we affirm the order of the district court dismissing the petition.

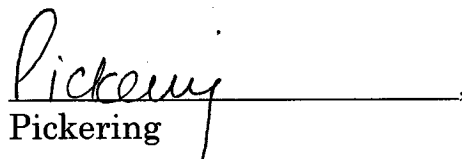
We further note that the decision denying the motion for reconsideration is not an appealable decision. See Phelps v. State, 111 Nev. 1021, 1023, 900 P.2d 344, 345 (1995). Therefore, we decline to consider appellant's appeal from the district court's order denying a motion for reconsideration.

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

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
Parraguirre, J.

  
Douglas, J.

  
Pickering, J.

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<sup>1</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: Chief Judge, Eighth Judicial District  
Hon. Joseph T. Bonaventure, Senior Judge  
Christopher Anthony Jones  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk