

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME HULL,  
Appellant,  
vs.  
NEVADA BOARD OF PAROLE  
COMMISSIONERS; NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND WARDEN, LOVELOCK  
CORRECTIONAL CENTER, JACK  
PALMER,  
Respondents.

No. 53319

**FILED**

**JUL 23 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 granting the Attorney General's motion for compliance. Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

On May 16, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus, or alternatively, a petition for a writ of mandamus. In his petition, appellant challenged the denial of parole and the fact that he was required to receive certification pursuant to NRS 213.1214 before being considered eligible for parole. On October 21, 2008, the district court denied the petition to the extent that appellant sought relief in a petition for a writ of habeas corpus but granted the petition to the extent that appellant sought relief in a petition for a writ of mandamus. The district court determined that appellant should be permitted to apply for parole from his first sentence to a consecutive

sentence without the certification requirement.<sup>1</sup> Notice of entry of this order was served by the clerk of the district court on appellant on October 21, 2008. No appeal was taken.

On December 2, 2008, the Attorney General filed a motion for compliance. After the parties filed responsive pleadings related to this motion, the district court entered an order granting the motion for compliance. This appeal followed.<sup>2</sup>

In the motion for compliance, the Attorney General noted that appellant had received a parole hearing (for consideration of institutional parole from the first to the consecutive sentence) without the certification requirement on October 7, 2008. The Attorney General requested that the district court find compliance with the relief granted by the district court. After reviewing the entirety of the record, we can find no error in the district court's decision to grant the motion for compliance.<sup>3</sup> We conclude that appellant is not entitled to relief and that briefing and oral argument

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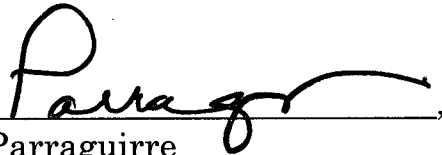
<sup>1</sup>It is unclear whether the writ of mandamus was issued or whether relief was simply granted in the order granting the petition for a writ of mandamus as a copy of a writ of mandamus is not included in the record on appeal.

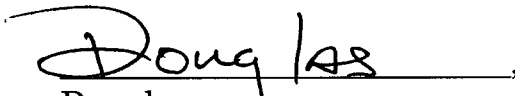
<sup>2</sup>The district court's order is a special order entered after final judgment and appealable pursuant to NRAP 3A(b)(2), which applies in this case because the petition was treated as a petition for a writ of mandamus, a civil action.

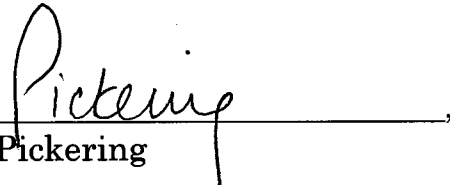
<sup>3</sup>To the extent that appellant sought additional relief beyond that set forth in the October 21, 2008 order, the October 21, 2008 order was a separately appealable order as the district court's final judgment in the action. As noted earlier, no appeal was taken from that order.

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>4</sup>

  
Parraguirre, J.

  
Douglas, J.

  
Pickering, J.

cc: Hon. Michael Montero, District Judge  
Jerome Hull  
Attorney General Catherine Cortez Masto/Carson City  
Pershing County Clerk

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<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.