

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK MOOR,
Appellant,

vs.

WARDEN, WARM SPRINGS
CORRECTIONAL CENTER,
STEPHANIE HUMPHREY; THE STATE
OF NEVADA; NEVADA DEPARTMENT
OF CORRECTIONS; DIRECTOR,
HOWARD SKOLNIK;
PSYCHOLOGICAL REVIEW PANEL;
AND ROBERT SCHOFIELD,
Respondents.

No. 53554

FILED

NOV 03 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 denying a petition for a writ of habeas corpus, or alternatively, writ of mandamus. First Judicial District Court, Carson City; James E. Wilson, Judge.

On March 19, 2009, appellant filed a proper person petition for a writ of habeas corpus, or alternatively, writ of mandamus in the district court. On March 26, 2009, the district court denied the petition. This appeal followed.¹

In his petition, appellant claimed that the certification requirement of NRS 213.1214 for purposes of parole eligibility constituted an ex post facto violation.

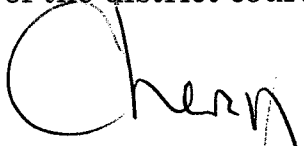
Based upon our review of the record on appeal, we conclude that appellant's claim for relief lacked merit. Parole is an act of grace of

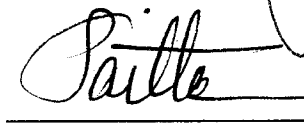
¹To the extent that appellant challenged the denial of a motion for the appointment of counsel, we conclude that the district court did not abuse its discretion in denying the motion. NRS 34.750(1).

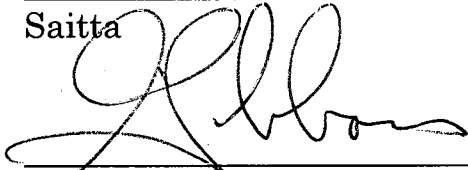
the state, and there is no cause of action permitted when parole has been denied. See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 768 P.2d 882 (1989). NRS 213.1214 requires a sex offender to be certified by a Psych Panel prior to being eligible for release on parole. Appellant acknowledged that his conviction involved the use of a minor in the production of pornography in violation of NRS 200.710. Thus, appellant was subject to the certification requirements pursuant to NRS 213.1214(5)(e). There was no ex post facto violation because the certification requirement does not change the quantum of punishment, but merely alters the method of imposing the penalty. See Land v. Lawrence, 815 F. Supp. 1351 (D. Nev. 1993) (rejecting a prisoner's ex post facto challenge to the certification requirement of former NRS 200.375 (codified in 1997 as 213.1214)). Therefore, we affirm the order of the district court denying the petition.

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

ORDER the judgment of the district court AFFIRMED.


 _____, J.
 Cherry


 _____, J.
 Saitta


 _____, J.
 Gibbons

cc: Hon. James E. Wilson, District Judge
Mark Moor
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk