

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ROOT,
Appellant,

vs.

THE STATE OF NEVADA BOARD OF
PAROLE COMMISSIONERS AND THE
STATE OF NEVADA,
Respondents.

No. 54864

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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 mandamus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition filed on July 1, 2009, appellant claimed that a parole hearing was held in his absence, that his parole hearing was late, and that he was not given advanced notice of the hearing. He further claims that the Parole Board's decision was arbitrary and capricious.

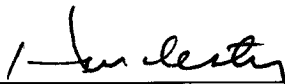
Appellant failed to demonstrate that he was entitled to mandamus relief. See NRS 34.160; NRS 34.170; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Appellant was not entitled to be present at the 2008 hearing or to advanced notice of the hearing because at the time of the hearing these provisions were suspended. See 2008 Nev. Stat. 24th Special Session, ch.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

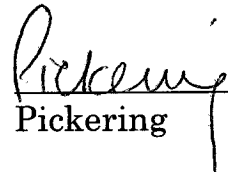
6 § 2 at 7. Further, appellant's claim that his parole hearing was late is moot because he received the only remedy available, a parole hearing.

Appellant also failed to demonstrate that the Parole Board acted in an arbitrary and capricious manner. Parole is an act of grace and not a constitutional right. See NRS 213.10705 (providing that the establishment of parole standards does not create any right or interest in liberty or property or establish a basis for any cause of action against the State); NRS 213.1099(1) (providing that the decision to release on parole is discretionary); Weakland v. Bd. of Parole Comm'rs, 100 Nev. 218, 220, 678 P.2d 1158, 1160 (1984) (recognizing that Nevada's parole statutory scheme did not create a constitutionally cognizable liberty interest). Therefore, the district court did not err in denying this petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Eric Root
Attorney General/DMV/Carson City
Carson City Clerk

²We 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.