

IN THE SUPREME COURT OF THE STATE OF NEVADA

ITAMAR AZAEL ROMERO,  
Appellant.

vs.

THE STATE OF NEVADA BOARD OF  
PAROLE COMMISSIONERS,  
Respondent.

No. 55166

**FILED**

JUN 09 2010

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.<sup>1</sup> Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant claimed that his due process rights were violated because the parole board improperly considered a juvenile conviction. Appellant failed to demonstrate that he was entitled to relief. Parole is an act of grace; a prisoner has no constitutional right to parole. See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989). The decision of whether or not to grant parole lies within the discretion of the parole board and the creation of standards does not restrict the parole board's discretion to grant or deny parole. See NRS 213.1099(2); NAC 213.560(1). Further, NRS 213.10885(2) provides that the parole board shall consider a person's criminal history when

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<sup>1</sup>This 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).

considering whether to grant parole. Therefore, the district court did not err in denying this claim.

Appellant also argued that his juvenile conviction should have been automatically sealed pursuant to NRS 62H.140. As appellant is not in custody pursuant to a conviction for the juvenile court matter, this claim was not cognizable in this petition. See NRS 34.360; Jackson v. State, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999); Maleng v. Cook, 490 U.S. 488, 492 (1989) (stating that collateral consequences of an expired “conviction are not themselves sufficient to render an individual ‘in custody’ for purposes of a habeas attack”). Therefore, the district court did not err in denying this claim.

Having considered appellant’s contentions and concluding they are without merit, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

<sup>2</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: Hon. Richard Wagner, District Judge  
Itamar Azael Romero  
Attorney General/Carson City  
Pershing County Clerk