

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ORTIZ,
Appellant,
vs.
NEVADA STATE BOARD OF PAROLE
COMMISSIONERS,
Respondent.

No. 55392

FILED

NOV 21 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER OF AFFIRMANCE

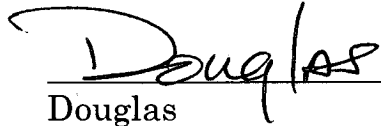
This is a proper person appeal from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; James E. Wilson, Judge.

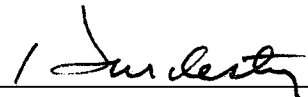
Appellant, an inmate, sought a writ of mandamus to compel the Division of Parole and Probation of the Department of Public Safety to amend his 1997 presentence investigation report (PSI) and to compel respondent Nevada State Board of Parole Commissioners to reconsider whether he should be paroled in light of the amended PSI. Because neither the Division of Parole and Probation nor the district court had the authority to amend appellant's PSI in this situation, see Stockmeier v. State, Bd. of Parole Comm'rs, 127 Nev. ___, 255 P.3d 209 (2011) (explaining that an inmate must raise any challenges to his PSI at sentencing and, if not resolved in his favor, on direct appeal), the district court did not abuse its discretion by denying appellant's petition for a writ

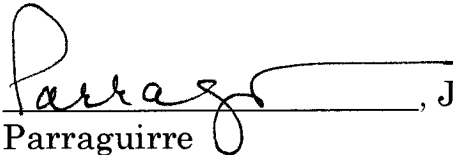
of mandamus.¹ See Reno Newspapers v. Sheriff, 126 Nev. ___, ___, 234 P.3d 922, 924 (2010) (explaining that, generally, this court reviews the district court's denial of writ relief for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. James E. Wilson, District Judge
Frank Ortiz
Attorney General/Carson City
Attorney General/DMV/Carson City
Carson City Clerk

¹Although appellant asserts in his civil proper person appeal statement that he was not given the opportunity to review his PSI at the time of his sentencing, any objection to the failure to disclose the PSI also should have been made at the time of sentencing and, if necessary, on direct appeal from appellant's conviction and sentence.