

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL ANGEL RAMIREZ,  
Appellant,  
vs.  
ELDON K. MCDANIEL; NEVADA  
BOARD OF PAROLE  
COMMISSIONERS; AND THE STATE  
OF NEVADA, OFFICE OF THE  
ATTORNEY GENERAL,  
Respondents.

No. 56267

**FILED**

**MAY 10 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *S. Youney*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus.<sup>1</sup> Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

In his petition filed on August 26, 2009, appellant claimed that the State Board of Parole Commissioners (Board) violated his due process rights at his May 7, 2004, hearing by calculating his next parole eligibility date under the post-1995 provisions of NRS 213.142, despite the fact that appellant was convicted prior to 1995. Appellant was not entitled to habeas relief. Appellant is lawfully confined pursuant to a judgment of conviction, the validity of which he did not dispute. See NRS 34.360; NRS 34.480.

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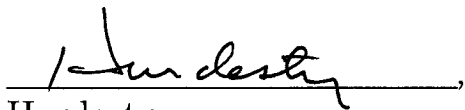
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

As a separate and independent ground to deny habeas relief, we note that any alleged due process violation by the Board was remedied, as the Board indicated at a later hearing that it had erroneously applied the amended provisions of NRS 213.142 to appellant, and credited appellant with an additional two years towards his next parole eligibility date. See NRS 213.142(2) (providing for a maximum 5 year time lapse between parole hearings when a prisoner has more than ten years remaining on his sentence); 1973 Nev. Stat., ch. 129, § 2, at 190 (providing for a maximum 3 year lapse between parole hearings in all cases). To the extent appellant challenged the denial of parole, parole is an act of grace of 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, 28, 768 P.2d 882, 883 (1989). Accordingly, we

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

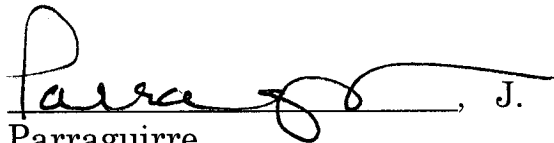


Saitta



Hardesty

J.



Parraguirre

J.

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<sup>2</sup>The district court erroneously denied appellant's petition as being outside the scope of NRS 34.720. However, that section applies only to post-conviction petitions for a writ of habeas corpus. NRS 34.720. Appellant titled his petition pursuant to NRS 34.360 (general habeas provisions), and did not challenge his judgment of conviction, sentence, or computation of time. See NRS 34.720. We nevertheless affirm the district court's decision for the reasons discussed herein. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).

cc: Hon. Dan L. Papez, District Judge  
Miguel Angel Ramirez  
Attorney General/Ely  
White Pine County Clerk