

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES FRANCIS MEEGAN, II,
Appellant,
vs.
THE STATE OF NEVADA AND
NEVADA BOARD OF PAROLE
COMMISSIONERS,
Respondents.

No. 56370

FILED

JUN 08 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
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.¹ Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

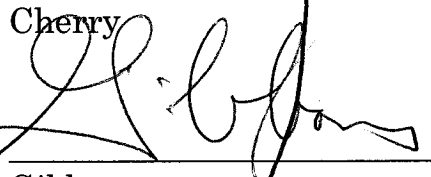
In his petition filed on October 9, 2008, appellant claimed that the State Board of Parole Commissioners violated a number of his due process and other constitutional rights, resulting in the wrongful denial of his parole. Appellant was not entitled to habeas relief. To the extent appellant challenged 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). To the extent appellant alleged violations of his procedural due process rights, including any calculation or classification

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).

errors, and the exclusion of victim testimony, these claims fell outside the scope of habeas corpus relief. Appellant was lawfully confined pursuant to a valid judgment of conviction, and even the establishment of due process violations by the parole board would not demonstrate that appellant was unlawfully confined. See NRS 34.360; NRS 34.480. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.

Cherry

_____, J.
Gibbons


_____, J.
Pickering

²To the extent appellant also alleged the denial of good time, work, or other meritorious credits, the district court properly denied these claims, as appellant failed to support his claims with specific facts, which, if true, would entitle him to relief. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

Further, 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. We deny appellant's motion to appoint counsel.

cc: Hon. Richard Wagner, District Judge
James Francis Meegan, II
Attorney General/Carson City
Pershing County Clerk