

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID E. DUDO,  
Appellant,  
vs.  
NEVADA BOARD OF PAROLE  
COMMISSIONERS,  
Respondent.

No. 57648

FILED

JUN 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
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> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition filed on October 22, 2010, appellant claimed that the State Board of Parole Commissioners (Board) violated his rights to due process, to equal protection, and to be free from cruel and unusual punishment. 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 34.480.

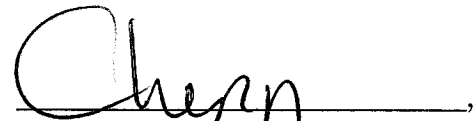
As a separate and independent ground to deny habeas relief, any process due to appellant was minimal, Swarthout v. Cooke, 562 U.S. \_\_\_, \_\_\_, 131 S. Ct. 859, 861-62 (2011) (per curiam), and he failed to


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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).

demonstrate a violation of the due process clause. 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.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. James Todd Russell, District Judge  
David E. Dudo  
Attorney General/Carson City  
Carson City Clerk