

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME HULL,
Appellant,
vs.
NEVADA BOARD OF PAROLE
COMMISSIONERS; NEVADA
DEPARTMENT OF CORRECTIONS;
PSYCHOLOGICAL REVIEW PANEL;
AND WARDEN, JACK PALMER,
Respondents.

No. 60097

FILED

DEC 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
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 mandamus and a post-conviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition for a writ of mandamus filed on September 30, 2011, appellant claimed that he was not provided with a timely parole hearing.² He claims that his parole eligibility date was November 10,

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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²To the extent that appellant claimed he was entitled to habeas relief, his claims were not cognizable in a post-conviction petition for a writ of habeas corpus. Parole is an act of grace of the State and there is no cause of action 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 a denial of his procedural due process rights, these claims fell outside the scope of habeas corpus relief, as appellant was lawfully confined pursuant to a valid judgment of conviction, and even the

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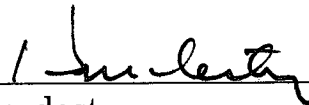
2011, and he did not have a hearing. This claim is patently false. Appellant had a parole hearing on August 17, 2011, where parole was denied. Therefore, the district court did not err in denying this claim.

Next, appellant claimed that the Psych Panel erroneously considered evidence outside the record to conclude that appellant was a high risk to reoffend. Specifically, appellant challenged the panel's consideration of his prior uncharged conduct. This court has previously determined that the Psych Panel may consider uncharged allegations of misconduct in deciding whether to certify a prisoner. Stockmeier v. Psychological Review Panel, 122 Nev. 534, 540, 135 P.3d 807, 811 (2006). Therefore, the district court did not err in denying this claim, and appellant failed to demonstrate that a writ of mandamus should issue. NRS 34.160; NRS 34.170; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

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establishment of due process violations by the Psych Panel would not demonstrate that appellant was unlawfully confined. See NRS 34.360.

cc: Hon. James E. Wilson, District Judge
Jerome Hull
Attorney General/Reno
Carson City Clerk