

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK MOOR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61492

FILED

MAY 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angelina*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition filed on May 2, 2011, appellant claimed that application of the psych panel requirement constituted an ex post facto violation. Appellant's claims were not cognizable in a petition for a writ of habeas corpus because appellant was lawfully confined pursuant to a valid judgment of conviction, and appellant's claims relating to parole and the psych panel did not demonstrate unlawful confinement. See NRS 34.360. Moreover, as a separate and independent ground to deny relief, we conclude that the doctrine of the law of the case prevents further litigation of appellant's ex post facto challenge to the psych panel requirement

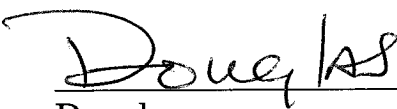
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

because this court has previously rejected this challenge.<sup>2</sup> See *Hall v. State*, 91 Nev. 314, 535 P.2d 797 (1975). Further, any challenge to the decision to deny parole was without merit because 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). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. James E. Wilson, District Judge  
Mark Moor  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk

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<sup>2</sup>See *Moor v. State*, Docket No. 47889 (Order of Affirmance, January 10, 2007); *Moor v. Warden*, Docket No. 53554 (Order of Affirmance, November 3, 2009).