

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD KWAME GAINES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62096

FILED

JUL 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

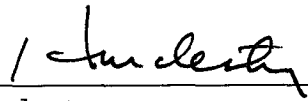
This is a proper person appeal from an order of the district court denying a petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.

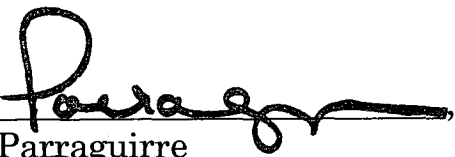
In his petition filed on July 18, 2012, appellant challenged the denial of parole, claiming that (1) the Parole Board violated his due process rights when it refused to award him programming points, which would have changed his status from high risk to medium risk and resulted in a more favorable assessment, and (2) the Parole Board violated the Double Jeopardy Clause by considering his 2005 parole violation in its decision to deny parole, because he was already punished for that violation and should not be punished twice. We conclude that the district court did not err in denying his petition. Appellant's claims were not cognizable in a petition for a writ of habeas corpus because appellant was lawfully

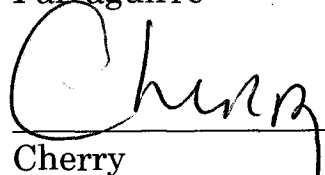
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

confined pursuant to a valid judgment of conviction, and appellant's claims relating to parole do not demonstrate unlawful confinement. See NRS 34.360. Furthermore, 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.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Doug Smith, District Judge
Ronald Kwame Gaines
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk