

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL THOMAS MCCREARY,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

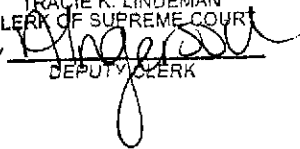
No. 63708

PAUL THOMAS MCCREARY,
Appellant,
vs.
RENEE BAKER,
Respondent.

No. 63710

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court dismissing two post-conviction petitions for a writ of habeas corpus.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge. We elect to consolidate these cases for disposition. NRAP 3(b).

Docket No. 63708

In his petition filed on January 15, 2013, appellant challenged the denial of parole, claiming that the parole board failed to investigate the transcripts of his case, that his conditions of confinement are affecting his parole score, and that he has been scored a low risk to re-offend under


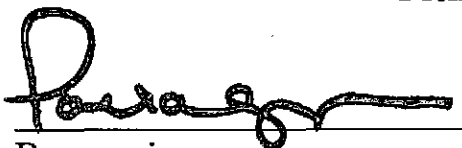

¹These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

his sex offender risk evaluation but the parole board rates him as a high risk. 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 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. State*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989). Therefore, the district court did not err in denying this petition.²

Docket No. 63710

In his petition filed on February 21, 2013, appellant challenged the State's motion to dismiss his petition at issue in Docket No. 63708. Appellant's claims were not cognizable in a petition for a writ of habeas corpus because appellant was not challenging his judgment of conviction or the computation of time served. NRS 34.724(1). Therefore, the district court did not err in denying this petition, and we

ORDER the judgments of the district court AFFIRMED.

	 _____, J. Pickering	
 _____, J. Parraguirre		 _____, J. Saitta

²We also conclude that the district court did not abuse its discretion in striking appellant's first and second notices of submission.

cc: Hon. Gary Fairman, District Judge
Paul Thomas McCreary
Attorney General/Ely
White Pine County Clerk