

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON SHANE TALBERT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64486

FILED

FEB 10 2016

FRANCIS C. INDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing appellant Brandon Talbert's postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

In his petition, Talbert contended that *Miller v. Alabama*, 567 U.S. ___, 132 S. Ct. 2455 (2012), rendered his sentence unconstitutional and provided him with good cause to excuse the untimely filing of his petition. The district court denied his petition, and Talbert appealed. While his appeal was pending, the Legislature enacted A.B. 267. We conclude that A.B. 267 provides Talbert with any relief *Miller* arguably affords as it makes him parole eligible within his lifetime. See *Montgomery v. Louisiana*, ___ U.S. ___, 2016 WL 280758, at *14 (Jan. 25, 2016); *State v. Boston*, 131 Nev., Adv. Op. 98, 363 P.3d 453 (2015). Accordingly, this appeal is moot, see *Personhood Nevada v. Bristol*, 126 Nev., Adv. Op. 56, 245 P.3d 572, 574 (2010), and we

ORDER this appeal DISMISSED.

[Signature], C.J.
Parraguirre

[Signature], J.
Douglas

[Signature], J.
Cherry

16-04402

cc: Hon. Elliott A. Sattler, District Judge
Edward T. Reed
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk