

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MARTIN REESE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68730

FILED

DEC 16 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order dismissing appellant James Reese's petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

The district court dismissed Reese's petition on the grounds that it "alleges civil rights violations and therefore exceeds the scope of, and is not cognizable in, habeas corpus." We conclude that the district court erred. Although Reese's petition included argument regarding various civil rights violations, which the district court correctly determined were not appropriately raised, the crux of his petition was that his due process rights were violated when his parole was revoked. This claim was cognizable in a habeas corpus petition. See NRS 34.360;

Hornback v. Warden, 97 Nev. 98, 100, 625 P.2d 83, 84 (1981). Therefore,
we

ORDER the judgment of the district court REVERSED AND
REMAND this matter to the district court for proceedings consistent with
this order.¹

Cherry, J.

Cherry

Gibbons, J.

Gibbons

Douglas, J.

Douglas

cc: Hon. William D. Kephart, District Judge
James Martin Reese
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹This is our final disposition of this matter. Any further proceeding
shall be docketed as a new matter.