

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD DEEDS,
Appellant,
vs.
CONNIE S. BISBEE, CHAIRMAN;
SUSAN JACKSON, COMMISSIONER;
TONY CORDA, COMMISSIONER;
ADAM ENDEL, COMMISSIONER;
LUCILLE MONTERDE,
COMMISSIONER; AND NEVADA
BOARD OF PAROLE
COMMISSIONERS,
Respondents.

No. 71078

FILED

MAR 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Richard Deeds appeals from an order of the district court denying his petition for a writ of habeas corpus, mandamus or prohibition filed on April 26, 2016.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

On appeal, Deeds argues the district court erred by denying his petition for mandamus or prohibition in which he challenged the Board of Parole Commissioners' (Board) decision to deny him parole.² Deeds argued his due process rights were violated, his right to equal protection


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

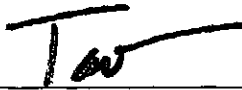
²Deeds' claims were not cognizable in a petition for a writ of habeas corpus because Deeds was lawfully confined pursuant to a valid judgment of conviction, and Deeds' claims relating to parole do not demonstrate unlawful confinement. See NRS 34.360. Accordingly, we conclude the district court did not err in denying the habeas portion of the petition.

was violated, NRS 213.10885 constituted an ex-post facto law, and the Board abused its discretion when it denied him parole.

Our review of the record on appeal reveals the district court did not abuse its discretion by denying Deeds' petition. See *City of Reno v. Reno Gazette-Journal*, 119 Nev. 55, 58, 63 P.3d 1147, 1148 (2003) (reviewing a district court's order denying a petition for a writ of mandamus for an abuse of discretion). Parole is an act of grace; a prisoner has no constitutional right to parole and there is no cause of action when parole has been denied. NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989); see also *Severance v. Armstrong*, 96 Nev. 836, 839, 620 P.2d 369, 370 (1980) (because a Nevada inmate has no legitimate expectation of parole release he has no "constitutionally cognizable liberty interest sufficient to invoke due process"). Therefore, Deeds fails to demonstrate he was entitled to relief for his claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Richard Deeds
Attorney General/Carson City
Carson City Clerk