

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STUART FRANK TEMPLETON,
Petitioner,
vs.
THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY,
Respondent.

No. 74344

FILED

JUN 13 2018

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


ORDER DENYING PETITION


This original petition for a writ of mandamus seeks an order compelling the district court to enforce its order entered on January 24, 2017, which granted a petition for a writ of habeas corpus and directed the Nevada Department of Corrections to apply statutory credits Stuart Frank Templeton has earned to his minimum sentence.


On April 10, 2018, we ordered respondent to file an answer to the petition. Respondent informs this court that while Templeton's petition was pending in the district court, Templeton appeared before the Nevada Board of Parole Commissioners (Board) and was denied parole. Twelve days later, the district court entered its order granting Templeton's petition. Respondent argues that because Templeton had already appeared before the Board and the Board had denied him parole before the district court ruled on Templeton's petition, the petition was rendered moot. Respondent further asserts that because the district court order only addressed application of credits toward Templeton's parole eligibility and Templeton has already been considered for parole, there is nothing to enforce.

We agree with respondent and, based on the record before this court, conclude our intervention by way of extraordinary writ is not warranted. See NRS 34.160; *Williams v. State, Dep't of Corrections*, 133 Nev. ___, ___ n.7, 402 P.3d 1260, 1265 n.7 (2017) ("Because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already . . . appeared before the parole board on the sentence."). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, Jr., District Judge
Stuart Frank Templeton
Attorney General/Carson City
Carson City Clerk