

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARLOS ANTONIO ESCOBAR,
Petitioner,

vs.

JAMES DZURENDA, DIRECTOR,
NEVADA DEPARTMENT OF
CORRECTIONS; BRIAN E. WILLIAMS,
SR., WARDEN, HIGH DESERT STATE
PRISON; CONNIE S. BISBEE,
CHAIRMAN, NEVADA BOARD OF
PAROLE COMMISSIONERS; AND
ADAM P. LAXALT, NEVADA
ATTORNEY GENERAL,
Respondents.

No. 74064-COA

FILED

NOV 16 2018

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

ORDER DENYING PETITION


This is an original petition for a writ of mandamus in which petitioner Carlos Antonio Escobar seeks an order directing the Nevada Department of Corrections (NDOC) to correct its internal records to reflect his proper birth date. Escobar also seeks an order directing NDOC to schedule him for a parole hearing because he asserts he would be eligible for parole pursuant to NRS 213.12135 had NDOC utilized his proper birth date. In support of his petition, Escobar has submitted documents purporting to show that he was actually born in 1978 and NDOC improperly lists his birth year as 1974. Escobar also has submitted documents concerning NDOC's decision to deny his request to alter its records regarding his birth date.

We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction. See NRS 34.160; NRS 34.170; NRAP

21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Escobar's claim requires the resolution of factual issues and "an appellate court is not an appropriate forum in which to resolve disputed questions of fact." *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Federal Public Defender/Las Vegas
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk