

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY VICTOR DALE,
Petitioner,
vs.
THE STATE OF NEVADA BOARD OF
PAROLE,
Respondent.

No. 76734-COA

FILED

JAN 31 2019

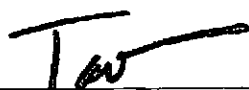
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges the Nevada Board of Parole Commissioners' denial of parole for Timothy Victor Dale. Dale alleges the Board failed to disclose all of the mitigating and aggravating factors it considered when determining whether he should be granted parole. Dale seeks an order directing the Board to conduct a new parole hearing for him at which they identify all of the mitigating and aggravating factors they are considering. We are not satisfied this court's intervention by way of extraordinary relief is warranted at this time. Because Dale's claim involves issues of fact, he should seek relief in the district court in the first instance. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.

, A.C.J.
Douglas

, J.
Tao

, J.
Gibbons

cc: Timothy Victor Dale
Attorney General/Dep't of Public Safety/Carson City