

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD DEEDS,
Appellant,
vs.
CONNIE S. BISBEE, CHAIR, NEVADA
BOARD OF PAROLE
COMMISSIONERS,
Respondent.

No. 75631-COA

FILED

FEB 13 2019

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

ORDER OF AFFIRMANCE

Richard Deeds appeals from an order of the district court denying a petition for a writ of habeas corpus, mandamus, or prohibition filed on January 30, 2018.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

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 rights to due process and equal protection were violated, NRS 213.10885 constitutes an ex-post facto law, and the Board abused its discretion when it denied him parole.

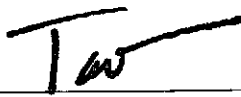
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


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 by denying habeas relief.

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.³ 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"). Further, Deeds failed to demonstrate an equal protection violation. *See Glauner v. Miller*, 184 F.3d 1053, 1054 (9th Cir. 1999); *Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000). Therefore, Deeds failed to demonstrate he was entitled to relief for his claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

³On appeal, it appears Deeds claims his parole was improperly denied because the Board used an inapplicable aggravating factor. *See Anselmo v. Bisbee*, 133 Nev. 317, 323, 396 P.3d 848, 853 (2017). This claim was not raised below in the district court, and we decline to consider it for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

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