

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT JAMES HUCK,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 70927

**FILED**

JUN 14 2017

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

*ORDER OF AFFIRMANCE*

Robert James Huck appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his May 11, 2016, petition, Huck claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum terms. The district court concluded Huck was not entitled to relief because the NDOC's records demonstrated Huck became eligible for a parole hearing in March of 2016, and therefore, his petition was moot. Our review of the record reveals the district court properly concluded Huck was not entitled to relief.

Because parole is an act of grace of the State, Huck's 2016 parole hearing rendered his petition moot as the only remedy available would be to order the parole board to conduct a hearing. See NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 28-29, 768 P.2d 882, 883-84

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

(1989) (holding that no statutory authority or case law permits a retroactive grant of parole). As Huck's petition was moot, we conclude the district court properly dismissed the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

*Silver*, C.J.  
Silver

*Tao*, J.  
Tao

*Gibbons*, J.  
Gibbons

cc: Hon. James E. Wilson, District Judge  
Robert James Huck  
Attorney General/Carson City  
Carson City Clerk