


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MIGUEL ANGEL RAMIREZ,
Petitioner,
vs.
NEVADA BOARD OF PAROLE
COMMISSIONERS; AND THE STATE
OF NEVADA,
Respondents.

No. 86139-COA

FILED

APR 21 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

In this original petition for a writ of mandamus, Miguel Angel Ramirez challenges a parole revocation proceeding. Ramirez argues that Nevada Board of Parole Commissioners (Parole Board) erred by declining to provide him with the risk assessment report utilized at his revocation hearing and that the Parole Board improperly delayed the revocation hearing. Ramirez also contends that he suffers from a communication disability and that the Parole Board did not provide him with an interpreter or the use of an auditory device for the revocation proceedings. In addition, Ramirez claims that the Parole Board may not have considered the risk assessment report before it decided to revoke his parole.

This court has original jurisdiction to issue writs of mandamus and the issuance of such extraordinary relief is within this court's sole discretion. *See Nev. Const. art. 6, § 4; NRS 34.160; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004); NRS 34.170.

Having considered the petition and supporting documentation Ramirez filed with the petition, we are not convinced that our extraordinary and discretionary intervention is warranted. Ramirez makes several factual contentions, but those issues have not been resolved, and this court is not the appropriate forum in which to resolve factual issues. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that “an appellate court is not an appropriate forum in which to resolve disputed questions of fact”); *Ryan’s Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) (“An appellate court is not particularly well-suited to make factual determinations in the first instance.”).

Therefore, Ramirez should pursue his claims in the district court in the first instance so that the factual and legal issues are fully developed, giving this court an adequate record to review. *See State v. Cty. of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that “this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court” in the first instance), *abrogated on other grounds by Cortez Masto v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013). Accordingly, we decline to exercise our original jurisdiction in this matter, *see* NRAP 21(b)(1), and we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Miguel Angel Ramirez
Attorney General/Carson City