

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MIGUEL ANGEL RAMIREZ,
Appellant,
vs.
NEVADA BOARD OF PAROLE
COMMISSIONERS,
Respondent.

No. 86278-COA

FILED

APR 21 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
E. A. Brown
DEPUTY CLERK

ORDER DENYING PETITION

In this original petition for a writ of habeas corpus, Miguel Angel Ramirez challenges a parole revocation proceeding. Ramirez alleges that the 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 his attorney for the parole revocation hearing was ineffective because she did not obtain critical pieces of evidence and witnesses to support his defense. Ramirez also appears to argue that the Parole Board did not appropriately review evidence concerning his alleged parole violation.

“An application for an original writ of habeas corpus should be made to the appropriate district court” in the first instance. NRAP 22. Moreover, petitions for a writ of habeas corpus that raise issues of fact should first be presented to the district court. *See Zobrist v. Sheriff*, 96 Nev. 625, 626, 614 P.2d 538, 539 (1980).

Ramirez’s petition raised issues of fact that have not been resolved, and “[a]n appellate court is not particularly well-suited to make factual determinations in the first instance,” *Ryan’s Express Transp. Servs.*,

Inc. v. Amador Stage Lines, Inc., 128 Nev. 289, 299, 279 P.3d 166, 172 (2012). Therefore, we decline to exercise our original jurisdiction in this matter. See *Zobrist*, 96 Nev. at 626, 614 P.2d at 539 (indicating the appellate courts have discretion to decide whether to entertain an original petition for a writ of habeas corpus). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Miguel Angel Ramirez
Attorney General/Carson City