

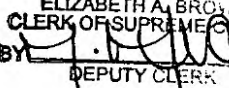
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK HOOPER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 89444-COA

FILED

JAN 13 2025

ELIZABETH A. BROCK
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

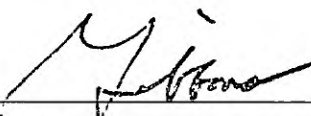
In this original petition for a writ of mandamus, petitioner Mark Hooper seeks an order directing the State to either prove at an evidentiary hearing that Hooper waived his parole revocation hearings or grant Hooper an additional 14 months of credit for time served.¹ Hooper asserts the State is trying to delay the proceedings and has violated Hooper's right to be present at hearings by attempting to file evidence that he waived his parole revocation hearings instead of producing such evidence

¹Previously, Hooper filed a petition for a "writ of habeas corpus pursuant to NRS. 213.1517(4) and NRS. 34.360 et seq." alleging the Nevada Board of Parole Commissioners failed to hold a timely revocation hearing after Hooper was taken into the custody of the Nevada Department of Corrections for violating his parole. *Hooper v. State*, No. 87281-COA, 2024 WL 2990609 (Nev. Ct. App. June 13, 2024) (Order of Reversal and Remand). After concluding the record lacked the necessary details to support the district court's conclusion that Hooper waived his right to a timely parole revocation hearing, this court reversed the district court's order dismissing Hooper's petition and remanded the matter for an evidentiary hearing.

at an evidentiary hearing. We have reviewed the documents submitted in this matter and, without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter because Hooper has a plain, speedy, and adequate remedy in that he can file an appeal challenging the district court's decision should the district court deny or dismiss Hooper's petition. See NRS 34.160; NRS 34.170; NRAP 21(b); *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). As to Hooper's claim about a delay in the proceedings, he has not demonstrated our extraordinary intervention is warranted at this time. We expect the district court will conduct an evidentiary hearing as this court previously ordered and will resolve all pending matters as expeditiously as its calendar permits. See NRS 34.740. Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²Hooper alternatively seeks a writ of prohibition but does not allege the district court acted without or in excess of its jurisdiction. Therefore, a writ of prohibition is inappropriate. See *Goicoechea v. Fourth Jud. Dist. Ct.*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (explaining that a writ of prohibition will not lie if the court "had jurisdiction to hear and determine the matter under consideration").

cc: Hon. Erika D. Ballou, District Judge
Mark Hooper
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk