

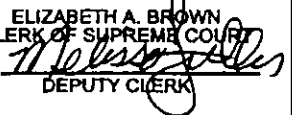
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL LEE,  
Appellant,  
vs.  
THE STATE OF NEVADA AND BOARD  
OF PAROLE COMMISSIONERS,  
Respondents.

No. 89629-COA

**FILED**

**AUG 21 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Daniel Lee appeals from a district court order denying a “petition of writ of habeas corpus disciplinary” filed on May 1, 2024. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

In his petition, Lee claimed that his due process rights were violated because the Nevada Board of Parole Commissioners (Parole Board) failed to hold a parole revocation hearing within 60 days after Lee was returned to the custody of the Nevada Department of Corrections (NDOC). A parolee that has been taken into custody has a due process right to a revocation hearing within a reasonable time. *See Matter of Smith*, 138 Nev. 133, 135-36, 506 P.3d 325, 327-28 (2022); *see also* NRS 213.1517. However, “where a parolee delays the revocation hearing by requesting continuances pending the outcome of the parolee’s new criminal charges, neither due process nor NRS 213.1517 will require the Parole Board to hold the revocation hearing within 60 days of the parolee’s return to NDOC.” *Smith*, 138 Nev. at 136 n.2, 506 P.3d at 328 n.2.

The district court found that Lee, acting through appointed counsel, sought continuances of three parole revocation hearings, the first of which was scheduled to occur within the 60-day period, because the

charges in his new criminal case remained unresolved.<sup>1</sup> This finding is supported by the record. Because Lee delayed his revocation hearing by requesting continuances, we conclude the district court did not err by finding that Lee was not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Anna C. Albertson, Judge  
Daniel Timothy Lee  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>To the extent Lee challenges the effective assistance of counsel, that claim is premature. *Cf. Rippo v. State*, 134 Nev. 411, 419-20, 423 P.3d 1084, 1095 (2018) (providing that a claim of ineffective assistance of postconviction counsel “depends on the conclusion of the postconviction proceedings in which the ineffective assistance allegedly occurred”).