

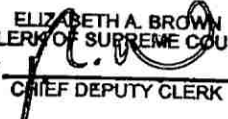
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIT FANULE AUGBORNE, III,
Appellant,
vs.
SOUTHERN BOARD OF PRISON,
Respondent.

No. 90200-COA

FILED

NOV 26 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Brit Fanule Augborne, III, appeals from a district court order denying a “petition for writ of habeas corpus disciplinary” filed on October 31, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Augborne claimed that his due process rights were violated because the Nevada Board of Parole Commissioners (Parole Board) failed to hold parole revocation hearings within 60 days after he 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.

Regarding Augborne’s December 19, 2023, parole revocation hearing, the district court found that Augborne, acting on the advice of

counsel, had previously requested that his hearing be continued multiple times due to pending criminal charges. This finding is supported by the record. Because Augborne delayed this revocation hearing by requesting continuances, Augborne failed to demonstrate his due process rights or NRS 213.1517 were violated, and we conclude the district court did not err in determining Augborne was not entitled to relief on this claim.

Regarding Augborne's October 8, 2024, parole revocation hearing, the district court found that the Parole Board issued a retake warrant returning Augborne to NDOC custody on August 12, 2024. This finding is also supported by the record. Augborne's October 8, 2024, parole revocation hearing was thus held within 60 days after his return to NDOC custody on August 12, 2024. Therefore, Augborne failed to demonstrate his due process rights or NRS 213.1517 were violated, and we conclude the district court did not err in determining Augborne was not entitled to relief on this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

cc: Hon. Erika D. Ballou, District Judge
Brit Fanule Augborne, III
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk