



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES MENOR VALDEZ,  
Appellant,  
vs.  
NEVADA BOARD OF PAROLE  
COMMISSIONERS,  
Respondent.

No. 91400-COA

*ORDER OF AFFIRMANCE*

James Menor Valdez appeals from a district court order dismissing a petition for judicial review. First Judicial District Court, Carson City; Hon. Kristin Luis, Judge.

The record below indicates that Valdez, an inmate in the custody of the Nevada Department of Corrections (NDOC), was previously convicted of first-degree murder with the use of a deadly weapon and attempted murder with the use of a deadly weapon. On April 7, 2025, the Nevada Board of Parole Commissioners (Parole Board) issued an order granting Valdez parole for the sentence of the primary offense of first-degree murder and for the deadly weapon sentencing enhancement related to the conviction for attempted murder with use of a deadly weapon, but specified that the effective date of parole would not begin until Valdez completed the term for the deadly weapon enhancement associated with the first-degree murder conviction.

Valdez subsequently filed a petition for judicial review from the Parole Board's order pursuant to NRS 233B.135. In his petition, Valdez contended the Parole Board was in violation of NRS 213.1099 because "the use of a deadly weapon is not a felony conviction as contemplated by the Nevada statutory scheme," and further contended the Parole Board violated the separation of powers provision of the Nevada Constitution by performing a function not granted to it by statute.

The Parole Board filed a notice of intent to participate and moved to dismiss Valdez's petition for judicial review. In its motion to dismiss, the Parole Board argued dismissal was warranted because: (1) the Parole Board is immune from suit pursuant to NRS 41.032 and the court therefore lacked jurisdiction over the petition; (2) Valdez was improperly using the petition to allege civil claims that fall outside the Administrative Procedures Act, NRS 233B.010, *et seq.* (APA), and the district court therefore lacked jurisdiction over the petition; (3) a petition for judicial review was an improper vehicle for alleging violations of NRS 213.1099 based on Valdez's claim that the use of a deadly weapon is not a felony conviction; and (4) Valdez had not served all of his court-imposed sentence as required by NRS 213.120(2) and the NDOC—and not the Parole Board—is tasked with calculating prison sentences.

The district court subsequently entered a written order granting the Parole Board's motion to dismiss Valdez's petition for judicial review. The district court concluded that it lacked jurisdiction over Valdez's petition

because the Parole Board is not subject to the APA with respect to any contested case. This appeal followed.

On appeal, Valdez challenges the dismissal of his petition for judicial review. The legislature enacted the APA to govern judicial review of many administrative decisions, permitting an aggrieved party to petition the district court for judicial review of a final agency decision in a contested case. NRS 233B.130(1). However, “[p]ursuant to the [APA] . . . , not every administrative decision is reviewable.” *Washoe County v. Otto*, 128 Nev. 424, 431, 282 P.3d 719, 725 (2012) (alteration in original) (citation omitted). “Instead, only those decisions falling within the APA’s terms and challenged according to the APA’s procedures invoke the district court’s jurisdiction.” *Id.*

NRS 233B.039(6) provides that the Parole Board is subject to the APA solely “for the purpose of adopting regulations, but not with respect to any contested case.” Here, Valdez essentially sought judicial review of the Parole Board’s decision granting him parole. However, as noted, the Parole Board is exempt from the APA with respect to a “contested case,” and Valdez does not challenge the district court’s determination that a parole hearing is a “contested case.” Accordingly, because Valdez fails to demonstrate that the APA permits judicial review of the Parole Board decisions he challenges, *see id.*, we conclude he fails to show that the district court erred by dismissing his

petition for judicial review,<sup>1</sup> *see Otto*, 128 Nev. at 432, 282 P.3d at 725. We, therefore,

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Kristin Luis, District Judge  
Attorney General/Carson City  
James Menor Valdez  
First Judicial District Court Clerk

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<sup>1</sup>Insofar as Valdez raises arguments on appeal that are not specifically addressed in this order, we have considered the same and conclude that they do not provide a basis for relief.

Additionally, we have reviewed the “proper person motion for remand” and the “judicial notice” Valdez has submitted in this matter, and we conclude no relief based on those submissions is warranted. In his “proper person motion for remand,” Valdez asserts remand is appropriate because the Parole Board did not file a response to his informal brief. NRAP 46A(c) specifies that an opposing party need not respond to pro se filings unless ordered to do so. This court has not ordered the Parole Board to respond. Valdez is therefore not entitled to the relief he seeks. With respect to Valdez’s “judicial notice,” to the extent that the filing can be construed as a notice of supplemental authorities, we decline to consider it because it essentially restates Valdez’s factual and legal arguments. *See* NRAP 28(j) (mandating that a notice of supplemental authorities must “state concisely and without argument the legal proposition for which each supplemental authority is cited”).