

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN T. DAVIES,  
Appellant,  
vs.  
NEVADA DEPARTMENT OF PAROLE  
COMMISSIONERS,  
Respondent.

No. 54983

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingosau*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; Robert E. Rose, Judge.

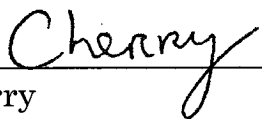
In his petition, appellant challenged the denial of parole, arguing that the parole board wrongfully applied the factors of NRS 213.10885 et seq. We conclude that the district court did not err in denying appellant's petition, as parole is an act of grace of the state and there is no cause of action permitted when parole has been denied. See NRS 213.10705 (providing that the establishment of parole standards does not create any right or interest in liberty or property or establish a basis for any cause of action against the State); NRS 213.1099(1) (providing that the decision to release on parole is discretionary); Niergarth v. Warden,


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

105 Nev. 26, 768 P.2d 882 (1989). To the extent appellant argued that application of the factors contained in NRS 213.10885 violated his due process rights, his claim patently lacked merit, as appellant is clearly a "convicted person" pursuant to the language of NRS 213.10885. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

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

cc: Chief Judge, First Judicial District  
Hon. Robert E. Rose, Senior Justice  
John T. Davies  
Attorney General/Carson City  
Carson City Clerk

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.