

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS QUEVEDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58490

FILED

JAN 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
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, and/or writ of mandamus, and/or writ of prohibition.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


In his petition filed on March 10, 2011, appellant claimed that his parole was improperly revoked because the parole board rescinded its decision to grant parole. He claimed that he was not advised that the parole hearing was a revocation hearing, was not provided with a full and fair opportunity to present evidence or object to evidence, was not allowed to cross-examine witnesses, and was not informed of the evidence relied upon to rescind parole.


Appellant failed to demonstrate that he was entitled to relief. The grant of parole is an act of grace by the State in which no liberty

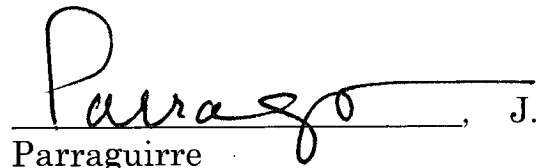
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

interest exists.² NRS 213.10705. While a liberty interest may be created if an inmate is actually released on parole, no such interest is created when an inmate is informed that he is to be granted parole, but the grant is rescinded before the inmate's actual release. Kelch v. Director, 107 Nev. 827, 830, 822 P.2d 1094, 1095 (1991) (citing Jago v. Van Curen, 454 U.S. 14, 17 (1981)). In this case, the parole board informed appellant in May of 2010, that he would be granted parole, but rescinded parole prior to appellant's release.³ Therefore, the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James Todd Russell, District Judge
Carlos Quevedo
Attorney General/Carson City
Carson City Clerk

²To the extent that appellant sought habeas corpus relief for alleged violations of his procedural due process rights, these claims fell outside the scope of habeas corpus relief.

³Appellant also failed to demonstrate that he was entitled to a writ of mandamus or prohibition. NRS 34.160; NRS 34.320.