

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE MANUEL RODRIGUEZ,  
Petitioner,  
vs.  
THE STATE OF NEVADA; AND  
CONNIE S. BISBEE, CHAIR OF  
PAROLE BOARD,  
Respondents.

No. 75681

**FILED**

JUL 27 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus seeks an order that directs the Board of Parole Commissioners to reconsider Jose Manuel Rodriguez for parole; prohibits the Board from “ignoring, changing, or disregarding the objective data of results of the STATIC-99”; declares “all arbitrary and capricious distortions of the law of parole” unconstitutional; and finds the holding in *Anselmo v. Bisbee*, 133 Nev. \_\_\_, \_\_\_, 693 P.3d 848, 850 (2017), applicable to Rodriguez’ case.

We have considered the petition, and we are not satisfied this court’s intervention by way of extraordinary writ is warranted at this time. See NRS 34.160; NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). As Rodriguez acknowledges, the claims raised involve issues of fact and he should seek relief in the district court in the first instance.<sup>1</sup> See *Round Hill Gen.*


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<sup>1</sup>To the extent Rodriguez has already sought and been denied such relief in the district court, Rodriguez’ remedy is to appeal the district court’s

*Improvement Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981).

Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Jose Manuel Rodriguez  
Attorney General/Carson City  
Attorney General/Dep't of Public Safety/Carson City  
Carson City Clerk

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denial of the petition. We express no opinion regarding the timeliness of any such appeal.