

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GARY E. MCKINLEY,
Petitioner,
vs.
CONNIE S. BISBEE, CHAIRMAN;
MICHAEL KEELER; ED GRAY;
LUCILLE MONTERDE,
COMMISSIONERS; DARLA FOLEY;
AND THE STATE OF NEVADA BOARD
OF PAROLE,
Respondents.

No. 74091

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 challenges the Board of Parole Commissioners' denial of parole for Gary E. McKinley. McKinley asserts the Board improperly applied NAC 213.518(2)(k) when it considered him for parole in 2015 and, therefore, a new parole hearing is warranted. The record before this court demonstrates the Board reconsidered McKinley for parole in May 2018 and denied parole. The record further demonstrates that at this most recent parole hearing the Board did not apply the aggravating factor being challenged in this petition. Because there is no further relief this court could grant, we conclude this court's intervention by way of extraordinary relief is not warranted. Accordingly, we

ORDER the petition DENIED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Gary E. McKinley
Attorney General/Carson City
Attorney General/Dep't of Public Safety/Carson City