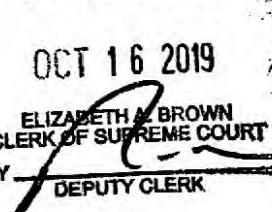


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENARD TRUMAN POLK,
Appellant,
vs.
KELLY BELLANGER; TARA
CARPENTER; MARIA WARD; PAM
FEIL; AARON HARROUN; DON POAG;
WILLIAM SANDIE; ROBERT
LEGRAND, WARDEN; RAMON
OLIVAS; VALERIE OLIVAS; TARA
BARTEL; AND NEVADA COMMISSION
ON JUDICIAL DISCIPLINE,
Respondents.

No. 76527-COA

FILED
OCT 16 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Renard Truman Polk appeals from a district court order dismissing his underlying petition for judicial review. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Polk filed the underlying petition for judicial review, brought under NRS Chapter 233B, with the district court, challenging the rejection of various grievances by Nevada Department of Corrections officials and the dismissal of various complaints he filed against judicial officers with the Nevada Commission on Judicial Discipline. After Polk filed various motions and requests for relief, the district court entered an order noting Polk's failure to serve the petition or comply with other requirements for filing a petition for judicial review and gave him 30 days to correct these deficiencies lest his petition be dismissed. When Polk failed to comply with or respond to the court's order, the district court entered an order dismissing his petition and this appeal followed. For the reasons set forth below, we affirm the district court's decision, albeit for reasons other than those relied

on by the district court. *See Rosenstein v. Steele*, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987) (stating that the appellate courts will affirm a district court decision if it reached the correct result, albeit for different reasons).

A petition for judicial review brought under NRS Chapter 233B, Nevada's Administrative Procedure Act, is available only where expressly authorized by statute. *See Washoe Cty. v. Otto*, 128 Nev. 424, 431, 282 P.3d 719, 724 (2012). We review both issues of subject matter jurisdiction and issues of statutory construction de novo. *Id.*

The Administrative Procedure Act sets forth the process for creating regulations and the adjudication of cases for "all agencies of the Executive Department of the State Government and for judicial review of both functions" except for those agencies expressly exempted by statute. *See* NRS 233B.020 (setting forth the Legislative purpose behind NRS Chapter 233B). And here, to the extent Polk sought judicial review of the denial of grievances by officials with the Nevada Department of Corrections, judicial review is not available as the Nevada Department of Corrections is "entirely exempted from the requirements of" NRS Chapter 233B, except in situations not applicable here. *See* NRS 233B.039(1)(b) (exempting the Department of Corrections from the procedures and requirements of the Administrative Procedure Act, aside from the adoption of certain regulations pertaining to the Offenders' Store Fund under NRS 209.221). Thus, judicial review was not available with regard to the prison grievance rejections Polk sought to challenge through his petition.

To the extent Polk sought judicial review of the dismissal of complaints he filed with the Nevada Commission on Judicial Discipline, such relief was likewise unavailable under NRS Chapter 233B. As noted above, this Chapter applies to agencies of the Executive Branch of the State

Government. See NRS 233B.020; NRS 233B.039. But the Nevada Commission on Judicial Discipline is part of the Judicial Department of the State Government established by Article 6 of the Nevada Constitution, which governs the judiciary. See Nev. Const. art. 6, § 21 (providing for the creation of the Nevada Commission on Judicial Discipline). Thus, because the Commission is not part of the Executive Department, it is not subject to the provisions and requirements of NRS Chapter 233B, and its decisions cannot be challenged through petitions for judicial review filed in the district courts under this Chapter of the Nevada Revised Statutes.

Under these circumstances, the district court lacked subject matter jurisdiction to consider Polk's petition, *Washoe Cty.*, 128 Nev. at 431, 282 P.3d at 724, and thus we affirm the district court's dismissal order.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Renard Truman Polk
Attorney General/Carson City
Pershing County Clerk