

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVAN SCOTT GRANT,

Appellant,

vs.

JAMES DZURENDA; TEJAY HARVEY;

RODGER HUDNALL; NATHAN

HUGHES; THE STATE OF NEVADA

DEPARTMENT OF CORRECTIONS;

PERRY RUSSELL; LISA WALSH; AND

HAROLD WICKHAM,

Respondents.

No. 85182

FILED

AUG 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

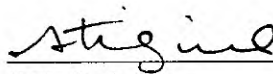
ORDER DISMISSING APPEAL


This is a pro se appeal from a district court order denying a petition for a writ of a mandamus. In the underlying petition, appellant Evan Scott Grant raised five claims regarding the use of the Static-99R risk assessment tool in the parole process and also argued that the Nevada Department of Corrections should follow the offender grievance process as prescribed in Administrative Regulation 740. Because it appeared that Grant had been granted parole, rendering his claims moot, we ordered Grant to show cause why this appeal should not be dismissed. *See Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (providing that challenges to the means of calculating a sentence become moot when the sentence expires); *Niergarth v. State*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (recognizing that no authority permits the Parole Board to grant a retroactive parole); NDOC AR 740.06(2) (providing that an administrative grievance is finalized at its current level when a grievant is released on parole).

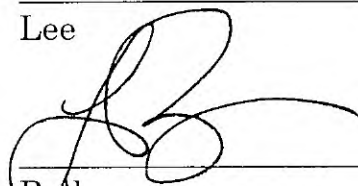
In response, Grant concedes that he has been granted parole and distinguishes the facts in the authorities cited above. We acknowledge

that the cited authorities involve different facts and circumstances than this case, but those distinctions do not show that Grant's appeal presents a live controversy following his release on parole. *See Personhood Nev.*, 126 Nev. at 602, 245 P.3d at 574 (providing that the court's role is to resolve actual controversies rather than to render advisory judgments); *cf. Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995) (recognizing that release from prison generally moots any pending challenges an inmate has against prison policies). And insofar as Grant argues that the appeal is not moot because the parole record may be considered in future proceedings, the possibility of a future controversy does not create an actual, live controversy. *See Boulet v. City of Las Vegas*, 96 Nev. 611, 613, 614 P.2d 8, 10 (1980) (concluding that allegations of possible, future collateral consequences did not present actual controversies that were not moot). Accordingly, given that Grant failed to carry his burden of showing that the appeal is not moot, we

ORDER this appeal DISMISSED.


Stiglich, C.J.


Lee, J.


Bell, J.

cc: Hon. James E. Wilson, District Judge
Evan Scott Grant
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk