

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS L. DOWNING,  
Appellant,  
vs.  
WARDEN, LOVELOCK  
CORRECTIONAL CENTER, CRAIG  
FARWELL,  
Respondent.

No. 43746

FILED

JAN 31 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant Curtis Downing's post-conviction petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; John M. Iroz, Judge.

On January 27, 2003, Downing filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Downing's petition raised claims concerning a prison disciplinary hearing in which he was found guilty of MJ 29 (charging or collecting a fee or favors for services as a legal assistant). On July 26, 2004, the district court dismissed Downing's petition. This appeal followed.

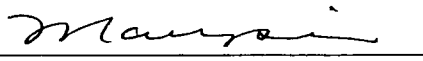
According to Downing's petition, as a result of the instant offense he received thirty days' disciplinary segregation and thirty days' loss of electrical appliances.

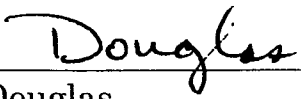
We conclude that the district court did not err in dismissing Downing's petition. This court has "repeatedly held that a petition for [a] writ of habeas corpus may challenge the validity of current confinement,

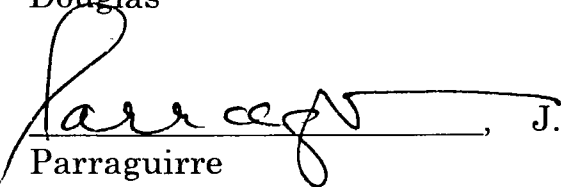
but not the conditions thereof."<sup>1</sup> Although Downing stated that he received a referral for possible loss of statutory good time credits, the record does not reveal that any credits were forfeited as a result of the prison disciplinary action. Consequently, Downing's challenges are not cognizable in a petition for a writ of habeas corpus.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Downing is not entitled to relief and that briefing and oral argument are unwarranted.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>1</sup>Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472 (1995) (holding that liberty interests protected by the Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life).

<sup>2</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>3</sup>We have reviewed all documents that Downing has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.

cc: Hon. John M. Iroz, District Judge  
Curtis L. Downing  
Attorney General Brian Sandoval/Carson City  
Pershing County District Attorney  
Pershing County Clerk