

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES LEE AXTELL,  
Appellant,  
vs.  
WARDEN, HIGH DESERT STATE  
PRISON, J. M. SCHOMIG,  
Respondent.

No. 43978

**FILED**

NOV 24 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant Charles Axtell's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

On May 10, 2004, Axtell filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Axtell's petition raised claims concerning a prison disciplinary hearing in which he was found guilty of MJ 45 (possession, introduction, sales or use of any narcotics, drugs, alcohol, or other intoxicants). The State opposed the petition. On August 26, 2004, the district court dismissed Axtell's petition. This appeal followed.


According to the documents before this court, as a result of the instant offense Axtell received 90 days of disciplinary segregation, indefinite loss of contact visits, and was ordered to pay restitution from his inmate account for the urinalysis and blood panel. We conclude that the district court did not err in dismissing Axtell'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> Axtell did not argue that he forfeited any statutory good time credits, and the record does not reveal that any credits were forfeited. Consequently, Axtell's challenges were 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 Axtell 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.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

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

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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 (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 ordinary incidents of prison life).

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

cc: Hon. Sally L. Loehrer, District Judge  
Charles Lee Axtell  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk