

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT SIEBER,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 43980

FILED

NOV 04 2004

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying appellant Scott Sieber's post-conviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

On February 11, 2004, Sieber filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging a prison disciplinary hearing that resulted in 180 days disciplinary segregation and loss of telephone, canteen and appliance privileges for 90 days. The State opposed the petition. On June 4, 2004, the district court denied Sieber's petition. This appeal followed.


In his petition, Sieber challenged the punishment he received at a prison disciplinary hearing. Specifically, Sieber argued that his confinement, although initially legal, became illegal because the disciplinary sanctions imposed on him violated his due process rights guaranteed by the Nevada and United States Constitutions.

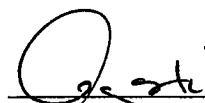
Based upon this court's review of the record on appeal, we conclude that the district court did not err in dismissing Sieber's habeas corpus petition. "We have repeatedly held that a petition for writ of

habeas corpus may challenge the validity of current confinement, but not the conditions thereof."<sup>1</sup> Because Sieber suffered no loss of credits, and he challenged the conditions of his confinement, his claim was 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 Sieber 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.  
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, 486 (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 Sieber 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. Steve L. Dobrescu, District Judge  
Scott Sieber  
Attorney General Brian Sandoval/Carson City  
White Pine County Clerk