

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CATO SELLS, JR.,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 45492

FILED

AUG 24 2005

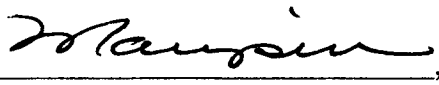
ORDER OF AFFIRMANCE

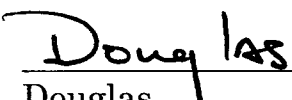
APPOINTED FROM  
CLERK OF SUPREME COURT  
BY JUDGE  
RICHARD  
CLERK

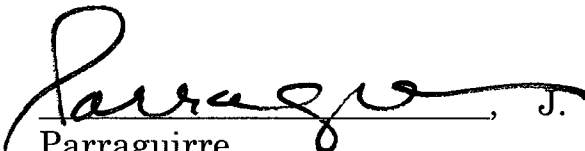
This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

We have reviewed the record on appeal and we conclude that the district court did not err in dismissing appellant's petition for the reasons stated in the attached order. Therefore, briefing and oral argument are not warranted in this case.<sup>1</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

<sup>1</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Steve L. Dobrescu, District Judge  
William Cato Sells Jr.  
Attorney General Brian Sandoval/Carson City  
White Pine County District Attorney  
White Pine County Clerk

SEVENTH JUDICIAL DISTRICT COURT  
STEVE L. DOBRESCU  
DISTRICT JUDGE  
DEPARTMENT 1  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



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Case No. HC-0301001

Dept. No. 1

FILED

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DONNA M. BATH  
WHITE PINE COUNTY CLERK  
BY *[Signature]*  
DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

\* \* \* \* \*

WILLIAM CATO SELLS, JR.,

Petitioner,

-vs-

ELDON K. McDANIEL, Warden, Ely,  
Nevada State Prison; JACQUELINE  
CRAWFORD, Director, Nevada Dept. of  
Corrections,

Respondents.

ORDER DISMISSING PETITION  
FOR WRIT OF HABEAS CORPUS

On January 29, 2003, Petitioner filed a "Petition for Writ of Habeas Corpus, Pursuant to NRS 34.360," a "Memorandum in Support of Petition for Writ of Habeas Corpus," and an "Affidavit in Support of Verification of Petition for Writ of Habeas Corpus pursuant to: NRS 34.370."

The Petition and supporting documents do not provide any factual allegations which could provide a basis for the relief requested. In the Memorandum ¶ XI, Petitioner alleges that he was "subjected to a Disciplinary proceeding held in violation of Due Process where



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the taking of earned statutory good-time occurred as a result of that unconstitutional proceedings." This conclusory allegation is insufficient as a matter of law.

Petitioner's Memorandum alleges in ¶ XIII that to assist the court in determining the validity of the proceedings "... Petitioner offers the attached Tracking of the Proceeding for review. These documents provide the court with all the information pertaining to the Disciplinary proceeding in question."

Attached to the Memorandum are four (4) unsigned papers which appear to be some sort of a form. The unauthenticated document is not signed by anyone and it is unclear as to who prepared the form, or whether the contents of the form are accurate. No other documentation is offered in support of the Petition such as a notice of charges, disposition, proof of exhaustion of administrative remedies, etc.

Based on the foregoing, good cause appearing,  
IT IS HEREBY ORDERED that the above entitled Petition is **DISMISSED**.  
DATED this 31st day of January, 2003.

  
\_\_\_\_\_  
DISTRICT COURT JUDGE