

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEREK A. COSTANTINO,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL AND REX REED,
Respondents.

No. 45675

FILED

DEC 21 2005

ORDER OF AFFIRMANCE

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

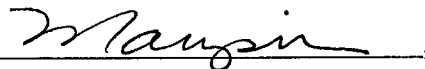
This is a proper person appeal from orders of the district court denying petitioner's "Writ of Mandamus and Prohibition," "Motion of Request for Discovery," and "Motion to Disqualify Attorney General's Office." Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

While incarcerated at Ely State Prison (ESP), petitioner was involved in the assault and battery of another inmate. He was placed in administrative segregation and lost 880 days of statutory good time. In his petition, appellant requested release from administrative segregation and restoration of the good time. Appellant also requested Nevada Department of Corrections (NDOC) employees be ordered to strictly comply with prison regulations and be forbidden from placing inmates in administrative segregation when alternative units are available, that ESP administrators be forbidden from violating appellant's constitutional rights during disciplinary hearings, that inmates charged with state law infractions be appointed the public defender, that NDOC reimburse appellant for copying costs associated with the underlying action, that charges against appellant for assault and battery not be recharged, and that an assault and battery charge against appellant not be brought in state court.

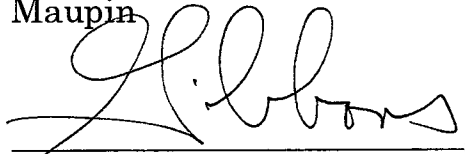
We review a district court order denying a petition for extraordinary writ for abuse of discretion.¹ We conclude that the district court did not abuse its discretion in denying appellant's petition and attendant motions. The district court properly reviewed petitioner's claims and determined that petitioner had "other 'plain, speedy and adequate' remedies available at law."²

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we


ORDER the judgment of the district court AFFIRMED.⁴

 _____, J.

Maupin

 _____, J.

Gibbons

 _____, J.

Hardesty

¹See County of Clark v. Doumani, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998).

²See NRS 34.170, NRS 34.330.

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁴We have reviewed all documents that appellant 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. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Dan L. Papez, District Judge
Derek A. Costantino
Attorney General George Chanos/Carson City
White Pine County Clerk