

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STEVEN OLAUSEN,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, JACKIE
CRAWFORD; NEVADA DEPARTMENT
OF CORRECTIONS; AND NEVADA
PARDONS BOARD,
Respondent.

No. 45765

FILED

NOV 17 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

On December 20, 2004, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition. Appellant filed a response. On July 15, 2005, the district court dismissed the petition. This appeal followed.

In his petition, appellant raised several claims concerning a prison disciplinary hearing in which he was found guilty of MJ26 (unauthorized possession of contraband), G1 (giving false or misleading information), and G20 (disobeying a direct order). As a result of the disciplinary proceedings, appellant was placed in disciplinary segregation for 120 days, lost commissary privileges for 30 days, and was referred for

the forfeiture of good time credits and an institutional transfer. After an institutional appeal, appellant claimed that his disciplinary segregation was reduced to 90 days and the referral for the forfeiture of good time credits and transfer was rescinded. Appellant further argued that his constitutional rights were violated at a meeting of the Pardons Board.

We conclude that the district court did not err in dismissing appellant'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."¹ The record does not reveal that any credits were forfeited as a result of the prison disciplinary action. Consequently, appellant's claims challenging the prison disciplinary hearing were not cognizable in a petition for a writ of habeas corpus. Appellant further failed to demonstrate that any protected constitutional rights were violated at the meeting of the Pardons Board.² Therefore, we affirm the order of the district court.

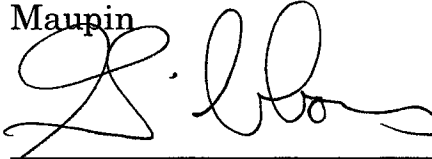
¹Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472 (1995) (holding that liberty interests protected by the Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation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

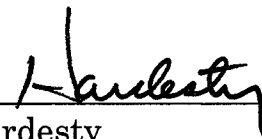
²See Kelch v. Director, 107 Nev. 827, 822 P.2d 1094 (1991).

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

cc: Hon. Michael R. Griffin, District Judge
John Steven Olausen
Attorney General George Chanos/Carson City
Carson City Clerk

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.