

IN THE SUPREME COURT OF THE STATE OF NEVADA


DONALD GENE HADAWAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45899

**FILED**

FEB 24 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

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

On April 11, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the Nevada Department of Correction's and the High Desert State Prison's failure to determine that appellant meets the criteria for minimum custody and move him to a minimum security facility. On December 8, 2005, the district court denied appellant's petition. This appeal followed.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. Because appellant challenged only the conditions of his confinement, appellant's claims were not cognizable in a petition for a writ of habeas corpus.<sup>1</sup> Further, to the extent that appellant attempted to challenge the

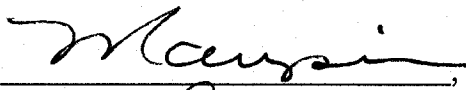
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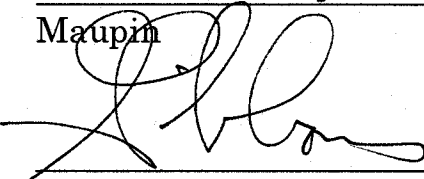
<sup>1</sup>See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) ("We have repeatedly held that a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof."); see also Sandin v. Conner, 515 U.S. 472 (1995).

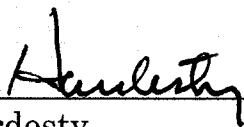
computation of his good time credits by claiming that the failure to change his custody status deprived him of additional credit, appellant failed to demonstrate that he is entitled to any additional credit. Therefore, we affirm the order of the district court.

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.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Sally L. Loehrer, District Judge  
Donald Gene Hadaway  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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