

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN E. HADLEY,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 46406

FILED

MAR 30 2006

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

ORDER OF AFFIRMANCE

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

On January 4, 2000, the district court convicted appellant, pursuant to a guilty plea, of murder with the use of a deadly weapon and attempted murder with the use of a deadly weapon. The district court sentenced appellant to serve terms totaling thirty-six to ninety years in the Nevada State Prison. Appellant voluntarily dismissed his direct appeal.¹

On October 23, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

¹Hadley v. State, Docket No. 35328 (Order Dismissing Appeal, February 25, 2000).

State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On November 4, 2005, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant claimed he was being denied credits for educational pursuits he undertook while incarcerated at Ely State Prison (ESP). Specifically, appellant claimed he was due credits under NRS 209.4465(2) for obtaining a paralegal certificate from Blackstone Paralegal Studies and for correspondence courses he took through Ashworth College.

NRS chapter 209 governs education and vocational training relating to inmates. NRS 209.389 gives the Board the power to establish programs of general and vocational education and training. NRS 209.4465 establishes credit for participation in those programs. NRS 209.391 gives the Director the authority to manage the programs the Board establishes. Pursuant to that authority, the Director has promulgated Administrative Regulations (A.R.s). A.R. 105 gives each institution's warden the authority to promulgate Institutional Procedures (I.P.s) for that institution.

NRS chapter 209 makes clear that its provisions, including the credits contemplated by NRS 209.4465(2), are directed only at education programs actually administered by the Department through its Director. For example, NRS 209.391 states that the Director shall "administer" the educational and vocational training programs set up by the Board.

Accordingly, the A.R.s and I.P.s implementing the provisions of NRS chapter 209 at issue here also only relate to programs being administered by the Director. Appellant's college coursework through Ashworth College did not constitute a program being "administered by the Director." Appellant was therefore not entitled to credit under NRS 209.4465(2) for this work, a fact our review of the record indicates appellant was aware of when he enrolled in the courses. Similarly, appellant's paralegal training through Blackstone Paralegal Studies did not constitute a program being "administered by the Director." In fact, A.R. 563.05.1.1.2 states that credit for vocational training is only available upon completion of a certified program of vocational education and training that is listed in the Offender Management Division's curriculum. Our review of the record on appeal reveals that paralegal training is not listed in the Offender Management Division's curriculum. Appellant's reliance on E.S.P.'s I.P. 7.13.05.2 is misplaced, as this section does not purport to cover law clerk training other than that administered by the Director and does not supersede the provisions of NRS chapter 209. Accordingly, we conclude appellant was not entitled to credit under NRS 209.4465 for his Ashworth College coursework or Blackstone Paralegal Studies training, and the district court did not err in dismissing these claims. ²

²We also note that the credit allowed for "diligence in labor and study" not resulting in a high school diploma, G.E.D. or associate degree is granted by the Director at her discretion. NRS 209.4465(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

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
Ryan E. Hadley
Attorney General George Chanos/Carson City
White Pine County Clerk

³See Luckett 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.