

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESAU CARDENAS,
Appellant,
vs.
LENARD VARE AND ANTON W.
HERTZ,
Respondents.

No. 46565

FILED

APR 19 2006

ORDER OF AFFIRMANCE

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

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. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

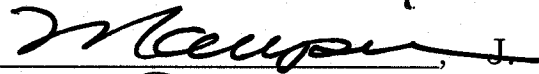
On October 5, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On December 9, 2005, the district court dismissed appellant's petition. This appeal followed.

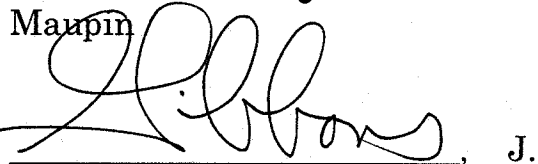
In his petition, appellant challenged a prison disciplinary proceeding. Our review of the record on appeal reveals that appellant did not forfeit any statutory credit as a result of this proceeding. A challenge to the imposition of a qualitatively more restrictive type of confinement within the prison may not be raised in a petition for a writ of habeas corpus.¹ Accordingly, appellant's petition was properly dismissed.

¹Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

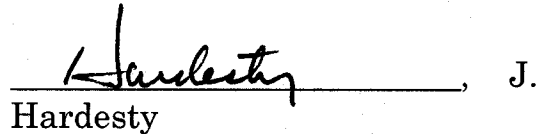
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin
 J.

Gibbons

 J.
Hardesty

cc: Hon. Richard Wagner, District Judge
Esaul Cardenas
Attorney General George Chanos/Carson City
Pershing County Clerk

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