

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN L. WILLIAMS,
Appellant
vs.
E. K. MCDANIEL,
Respondent

No. 47299

FILED

OCT 26 2006

MANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On March 21, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Appellant filed an amended petition on April 14, 2005. The State opposed the petition. On April 24, 2006, the district court denied appellant's petition. This appeal followed.

In his petition, appellant challenged matters arising out of a prison disciplinary hearing which resulted in appellant's placement in disciplinary segregation for 730 days, payment of medical restitution, and revocation of 293 days of statutory good time credit.¹ Specifically,

¹To the extent that appellant challenges his placement in disciplinary segregation or his medical restitution, such claims are not cognizable in a petition for a writ of habeas corpus. 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." Bowen 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

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appellant claimed that his due process rights were violated at the evidentiary hearing because there was insufficient evidence presented and relied upon.

The United States Supreme Court has held that minimal due process in a prison disciplinary hearing requires: (1) advance written notice of the charges; (2) written statement of the fact finders of the evidence relied upon and the reasons for disciplinary action; and (3) a qualified right to call witnesses and present evidence.² The United States Supreme Court has also recognized that due process requires an impartial decision maker.³ Further, the requirements of due process are met if some evidence supports the decision by the prison disciplinary committee.⁴

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. The Summary of Disciplinary Hearing indicated that the hearing officer relied on the Notice of Charges and written report in reaching a decision. The Notice of Charges and written report indicated that on July 9, 2004, appellant and his cellmate were involved in an altercation, which resulted in the

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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 ordinary incidents of prison life).

²Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974).

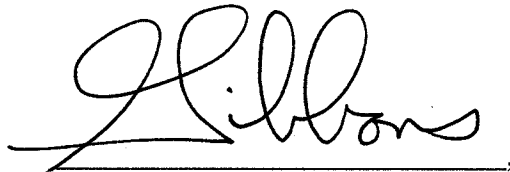
³Id. at 571.


⁴Superintendent v. Hill, 472 U.S. 445, 455 (1985); see also Nevada Code of Penal Discipline § 707.04 (1.3.6.1) (providing that it is only necessary that the disciplinary committee's finding of guilt be based upon some evidence, regardless of the amount).

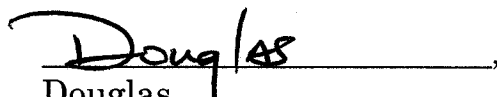
cellmate receiving second-degree burns. Correctional officers noted that both appellant and the cellmate had scratches and bruises. The cellmate reported to the officers that appellant "threw hot water on him and then grabbed him by the ankle and drug him off the bed," at which time the two inmates continued fighting. Thus, there was "some" evidence presented to support the conclusion reached by the prison disciplinary committee, and appellant is not entitled to relief.

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Gibbons J.


Maupin J.


Douglas J.

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

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).