

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELL MARVIN ROBERTS,  
Appellant,  
vs.  
SERGEANT KELLY; SERGEANT  
ROSE; CORRECTIONAL OFFICER  
GILBERT; CORRECTIONAL OFFICER  
STOREY; CORRECTIONAL OFFICER  
JERMYN; CORRECTIONAL OFFICER  
DARIN BAKER; CORRECTIONAL  
OFFICER CREON; WARDEN BILL  
DONAT; AND NEVADA DEPARTMENT  
OF CORRECTIONS,  
Respondents.

No. 47830

**FILED**

DEC 13 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. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

On March 28, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On May 19, 2006, the State filed a response to the petition. The district court dismissed the petition on July 28, 2006, finding that the disciplinary proceedings were fair and fully comported with the Due Process Clause. This appeal followed.

In his petition, appellant raised a claim concerning a prison disciplinary hearing in which he was found guilty of violating MJ-26 (possession of contraband) and received 270 days disciplinary segregation. The record does not indicate that appellant forfeited good/work time credit

as a result of the violation and appellant did not challenge the loss of any good/work time credit.

Appellant's placement in disciplinary segregation is a condition of confinement. A challenge to a condition of confinement is not cognizable in a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Therefore, the district court reached the correct result in dismissing appellant's petition, and we affirm the decision of the district court to dismiss the petition.<sup>2</sup>

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>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

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<sup>1</sup>See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

<sup>2</sup>See Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963) (holding that a correct result will not be reversed simply because it is based on the wrong decision).

<sup>3</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Michael R. Griffin, District Judge  
Dell Marvin Roberts  
Attorney General George Chanos/Carson City  
Carson City Clerk