

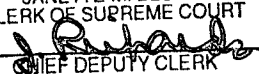
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD CARMICHAEL,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 48679

**FILED**

**MAY 08 2007**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  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 April 5, 2006, appellant filed a post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition and moved to dismiss. Appellant filed a response. On December 8, 2006, the district court dismissed appellant's petition for lack of jurisdiction. This appeal followed.

Appellant is currently incarcerated at the Ely State Prison in Nevada pursuant to a Washington State judgment of conviction; he is not serving a sentence pursuant to a Nevada judgment of conviction. In the instant petition, appellant contended that his due process rights were violated by his transfer to the State of Nevada as the Nevada Department of Corrections has not allowed him to participate in a Washington State program to earn work credits toward his Washington State judgment of

conviction. He further asserted that he had been the target of racial discrimination regarding the earning of work time credits.

We conclude that the district court did not err in dismissing appellant's petition. Appellant is confined in the State of Nevada pursuant to the Interstate Corrections Compact.<sup>1</sup> Article IV(c) of the Compact provides that, "[i]nmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state."<sup>2</sup> Article IV(f) of the Compact further provides that "[a]ny hearing or hearings to which an inmate . . . may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state."<sup>3</sup> As such, appellant should have filed his petition in the State of Washington. Thus, the State of Nevada is not the proper forum for this claim. Moreover, to the extent that appellant challenged the conditions of his confinement, his claims are not properly brought in a habeas corpus petition.<sup>4</sup> Accordingly, we affirm the order of the district court.

---

<sup>1</sup>See NRS 215A.010 et. seq.


<sup>2</sup>See NRS 215A.020.

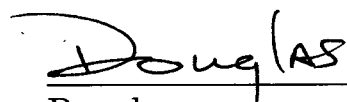
<sup>3</sup>Id.

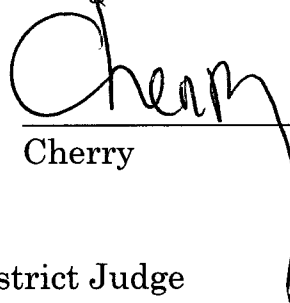
<sup>4</sup>Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

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.<sup>5</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>6</sup>

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Steve L. Dobrescu, District Judge  
Richard Carmichael  
Attorney General Catherine Cortez Masto/Carson City  
Attorney General Catherine Cortez Masto/Las Vegas  
White Pine County Clerk

---

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

<sup>6</sup>We 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.