

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 49400

FILED

SEP 18 2007

JANETTE 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 dismissing appellant's petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

On October 12, 2006, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State moved to dismiss the petition, appellant filed a response.¹ On April 20, 2007, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant challenged his classification as a member of a Security Threat Group/Disruptive Group. He asserted that

¹The State filed an untimely reply to appellant's response, which the district court did not consider.


the classification resulted in close custody status and the loss of opportunities to advance within the level system, earn work or education credits, receive vocational training, or to transfer to another prison. Appellant claimed that the classification was not supported by sufficient evidence and violated his First Amendment rights to assemble and freedom of speech, Fourteenth Amendment right to due process and equal protection, and the Eighth Amendment prohibition against cruel and unusual punishment.

Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing the petition. Because appellant challenged only the conditions of his confinement, appellant's claims were not cognizable in a petition for a writ of habeas corpus.² Therefore, we affirm the order of the district court.

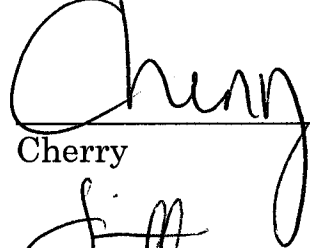
²See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) ("We have repeatedly held that a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof."); see also Sandin v. Conner, 515 U.S. 472 (1995).

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


_____ J.

Gibbons


_____ J.

Cherry


_____ J.

Saitta

³See Lockett 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.

cc: Hon. Dan L. Papez, District Judge
Ryan E. Hadley
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk