

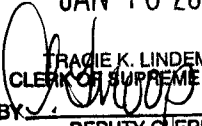
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT A. SMITH,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 50103

FILED

JAN 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
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; Dan L. Papez, Judge.

On July 20, 2007, appellant filed a proper person petition for a writ of habeas corpus in the district court. On July 30, 2007, the district court dismissed appellant's petition. This appeal followed.

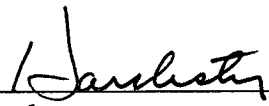
In his petition, appellant challenged his classification as a member of a Security Threat Group. He asserted that the classification resulted in close custody status which violated his Eighth Amendment right to be free from cruel and usual punishment. Appellant also claimed that his Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendment rights were violated because his requests to transfer have been denied due to his classification. Finally, appellant argued a violation of his Fourteenth Amendment rights to equal protection and due process because some prisoners with his classification were allowed to transfer, but he was not.

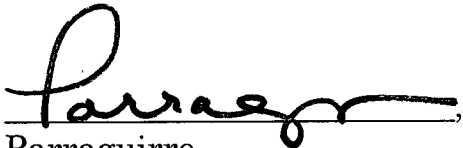
Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing the petition. Because

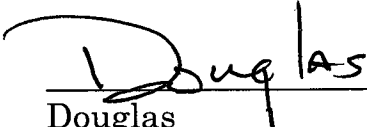
appellant challenged only the conditions of his confinement, appellant's claims were not cognizable in a petition for a writ of habeas corpus.¹ Therefore, we affirm the order of the district court.

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.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Dan L. Papez, District Judge
Robert A. Smith
Attorney General Catherine Cortez Masto/Carson City
White Pine County District Attorney
White Pine County Clerk

¹See 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).

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