

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK JOSEPH BOOTH,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 50225

FILED

FEB 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 August 23, 2007, appellant filed a proper person petition for a writ of habeas corpus in the district court. On July 30, 2007, the district court denied appellant's petition. This appeal followed.

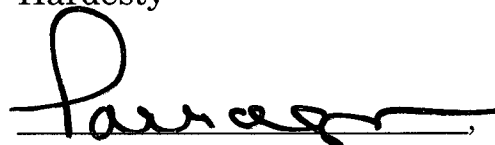
In his petition, appellant argued that he was denied access to a book labeled, "Thomson West Penal Code Book." Appellant claimed he needed this book in order to litigate his petition for a writ of habeas corpus in the California court system. The district court denied the petition on the ground that appellant was able to file a petition for a writ of habeas corpus in California despite the prison's removal of this book from appellant's possession.

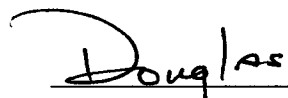
This claim challenged appellant's conditions of confinement, which is not cognizable in a petition for a writ of habeas corpus.¹ Accordingly, the district court reached the right result for the wrong reason. Because the district court reached the right result, we affirm the order of the district court.²

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.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

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 generally 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 reason).

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

cc: Hon. Steve L. Dobrescu, District Judge
Patrick Joseph Booth
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk