

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE T. SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50551

FILED

APR 22 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 a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

On August 28, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On October 30, 2007, the district court denied appellant's petition. This appeal followed.


In his petition, appellant claimed that he was deprived of adequate access to the courts because prison officials refused to allow him to make "legal" telephone calls to the courts with jurisdiction over his case.

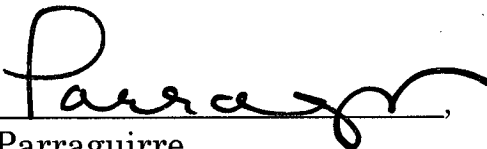
The district court denied the petition because appellant failed to set forth a cognizable claim for relief. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. This court has "repeatedly held that a petition for [a] writ of

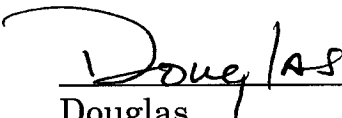
habeas corpus may challenge the validity of current confinement, but not the conditions thereof.”¹ Because appellant’s claim challenged the conditions of confinement, we conclude that the district court correctly determined that appellant had failed to set forth a cognizable claim and we affirm the order of the district court denying the petition.

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

¹Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484 (1995) (holding that liberty interests protected by the Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life).

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

cc: Hon. Kenneth C. Cory, District Judge
Willie T. Smith
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk