

IN THE SUPREME COURT OF THE STATE OF NEVADA


RAYMOND GILLEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50714

FILED

MAY 05 2008

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.


On June 28, 2007, appellant filed a proper person petition for a writ of habeas corpus in the district court. On July 12, 2007, appellant was ordered to amend the petition to comply with the form requirements set forth in NRS 34.735. On August 8, 2007, appellant filed an amended petition for a writ of habeas corpus in the district court. On November 27, 2007, the district court dismissed the petition. This appeal followed.

In his petition, appellant claimed that various constitutional rights were violated due to the indifferent and negligent care he received by medical and custody staff. Appellant claimed that his leg was amputated due to a gangrenous condition that was preventable and which he reported to medical staff. He further claimed that the prosthetic he was provided with in prison is ill-fitting and caused him pain and suffering and that he was told he could buy his own prosthetic for \$11,000. Appellant sought a jury trial on the issue, release from prison, costs incurred, and punitive damages in the amount of 50 million dollars.

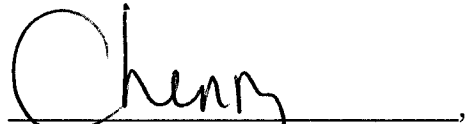
Based upon this court's review of the record on appeal, we conclude that the district court did not err in dismissing appellant's habeas corpus petition. "We have repeatedly held that a petition for a writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof."¹ Because appellant challenged the conditions of his confinement, appellant's claim was not cognizable in a petition for a writ of habeas corpus.

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

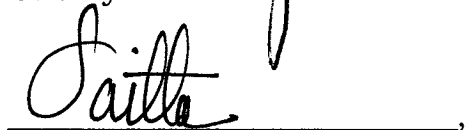
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

¹Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472 (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. James Todd Russell, District Judge
Raymond Gillen
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk