

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN WYTCHERLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51492

FILED

MAR 26 2009

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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; James M. Bixler, Judge.

On December 31, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. 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 April 4, 2008, the district court denied the petition. This appeal followed.

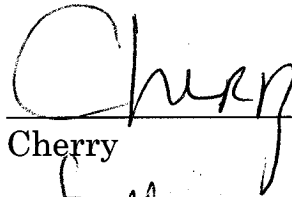
In his petition, appellant claimed that the Nevada Department of Corrections improperly reduced his credits by one-half. Appellant claimed that the statutory good time credits were not applied after he reached his minimum sentence. Appellant claimed that this violated his constitutional rights. Finally, appellant claimed that the grievance process was flawed.

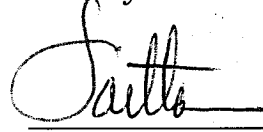
Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. Appellant failed to demonstrate that he was entitled to any additional credits. The credit

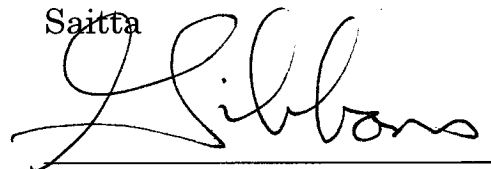
history report amply demonstrates that the Department does not apply any formula to reduce his credits. The credit history report further demonstrates that statutory good time credits have continued to be applied. Appellant failed to demonstrate that any constitutional rights were violated. Finally, appellant's challenge to the grievance process was a challenge to the conditions of confinement and as such is not cognizable in a petition for a writ of habeas corpus. See Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. James M. Bixler, District Judge
Kevin Wytcherley
Attorney General Catherine Cortez Masto/Carson City
Attorney General Catherine Cortez Masto/Las Vegas
Eighth District Court Clerk