

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN E. HADLEY,
Appellant,

vs.

THE STATE OF NEVADA, ON
RELATION OF THE DEPARTMENT OF
CORRECTIONS (NDOC); JACKIE
CRAWFORD; E.K. MCDANIEL; DEBRA
BROOKS; ADAM ENDEL; CLAUDE
WILLIS; MICHAEL OXBORROW;
CASSANDRA LARGE; CHRISTINA
TRIPP; JERRY BAINBRIDGE; PAMELA
DEL PORTO; AND JAMES GREG CO,
Respondents.

No. 51652

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order of dismissal. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Appellant's lawsuit involves claims that his constitutional rights of due process and equal protection were violated, along with tort, injunctive, and declaratory relief claims, arising out of his classification as a "security threat group" and from the prison allegedly holding appellant in "defacto" administrative segregation. Appellant also challenges the denial of his request that the Attorney General's Office serve former warden, Jackie Crawford, with his complaint.

Appellant asserts that respondents failed to provide required due process protections of notice and adequate hearings and are unfairly

discriminating against Hispanic inmates. The district court granted appellant's motion for entry of default after respondents failed to timely file an answer to the complaint, but it denied appellant's motion for default judgment and instead dismissed the claims, based on appellant's failure to make a sufficient showing under NRCP 55(e) for default judgment against the State. The district court's dismissal was based on a conclusion that appellant's classification in the prison system was not a constitutionally protected right and therefore his claims had no basis.

Having reviewed appellant's proper person civil appeal statement, response and the record on appeal, we conclude that the district court properly dismissed appellant's claims. The United States and Nevada Constitutions do not create any protected due process rights in an inmate's classification.¹ Additionally, while it is recognized that a state may create such protected rights by statute or regulation, we conclude that no such rights have been created by statute or regulation in Nevada.² As the United States Supreme Court has stated, prison regulations are "not designed to confer rights on inmates"³ and therefore

¹Harris v. Meulemans, 389 F. Supp. 2d 438, 441 (D. Conn. 2005) (recognizing that the United States Constitution does not create protected due process rights regarding inmate classifications); Reinkemeyer v. Safeco Ins. Co., 117 Nev. 44, 50, 16 P.3d 1069, 1072 (2001)(stating that Nevada's constitutional due process clause is nearly identical to the United States Constitution and that this court looks to federal authority in interpreting the clause).

²Sandin v. Conner, 515 U.S. 472, 482-484 (1995); Harris, 389 F. Supp. 2d at 441.

³Sandin, 515 U.S. at 482.

such regulations only create a protected due process right when they “impose[] atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.”⁴ The present case does not fall under this limited rule. Furthermore, there is no protected right regarding which prison an inmate is housed⁵ or in his potential ability to accrue good time credits.⁶ As a result, appellant’s due process claims are without basis and the requirement for obtaining a default judgment under NRCP 55(e) could not be met. Therefore, the district court properly dismissed appellant’s claims.

Furthermore, the district court properly dismissed appellant’s other claims under NRCP 55(e)’s default standard. Appellant brought the motion for default judgment and, under NRCP 55(e), bore the burden of “establish[ing] a claim or right to relief by evidence satisfactory to the court.” We conclude that appellant failed to meet this burden, and therefore he was not entitled to default judgment. As nothing suggests that appellant could support his allegations, particularly in light of the fact that there is no protected interest in an inmate’s prison classification, dismissal of the claims was proper.

Finally, we affirm the denial of appellant’s motion to require the Attorney General’s Office to serve Jackie Crawford with his complaint. Crawford no longer works at the office, and appellant has provided no

⁴Id. at 484.

⁵Meachum v. Fano, 427 U.S. 215, 224-25 (1976).

⁶Harris, 389 F. Supp. 2d at 442-43.

legal authority for his contention that the office should complete service for him.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Steve L. Dobrescu, District Judge
Ryan E. Hadley
Attorney General Catherine Cortez Masto/Carson City
Attorney General Catherine Cortez Masto/Las Vegas
White Pine County Clerk