

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL C. BOWMAN,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, LENARD
VARE,
Respondent.

No. 51700

FILED

NOV 14 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingalls*
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; Douglas W. Herndon, Judge.

On September 6, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition, and appellant filed a response. 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 May 15, 2008, the district court denied the petition. This appeal followed.

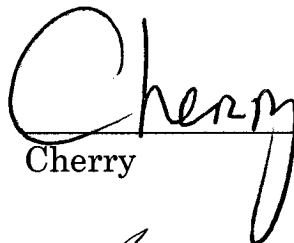
Appellant claimed that pursuant to the 2007 amendments to NRS 213.152 that he should not have to serve more than six months on a parole revocation.¹


¹2007 Nev. Stat., ch. 525, § 8.6, at 3183-84.


Appellant failed to demonstrate any error. The provision set forth in NRS 213.152, as amended in 2007, that requires a parolee to be confined to a facility of the Department of Corrections for a period not to exceed six months applies only to those parolees who have violated a condition of parole and have been ordered to a term of residential confinement in lieu of suspending the parole. In the instant case, appellant's own statements indicate that his parole was revoked and he was not ordered to residential confinement. Thus, NRS 213.152 as amended does not apply to appellant. Therefore, we conclude that the district court did not err in denying this claim.

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.
Cherry

 _____, J.
Maupin

 _____, J.
Saitta

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

cc: Hon. Douglas W. Herndon, District Judge
Michael C. Bowman
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk