

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY E. MURPHY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52043

**FILED**

FEB 10 2009

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; Valerie Adair, Judge.

On July 31, 2007, the district court convicted appellant, by a plea of guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), of one count of attempted larceny from the person. The district court sentenced appellant to serve a term of 12 to 30 months in the Nevada State Prison. Appellant received 116 days of credit for time served.

On March 13, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition. Appellant filed a reply. 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 June 24, 2008, the district court denied the petition. This appeal followed.

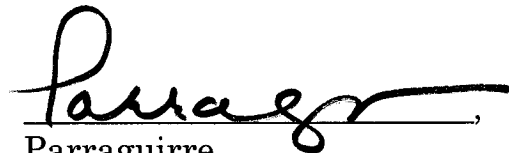
In his petition, appellant claimed that the Nevada Department of Corrections (the Department) incorrectly calculated his

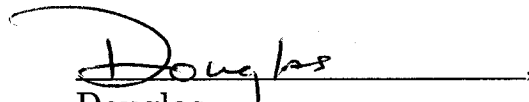
statutory good time and work time credits. Appellant claimed that he should have received 20 days of statutory good time credits per month pursuant to NRS 209.4465 for a total of 580 days of statutory good time credits. Appellant further claimed that he should receive 10 days of work credits per month for a total of 30 credits. Appellant appeared to claim that the failure of the prison to provide enough jobs deprived him of earning work credits. Appellant also appeared to claim that the Department did not treat one credit as one day, but rather applied a mathematical formula to reduce one credit to less than one 24-hour day.

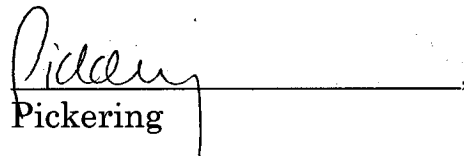
Appellant failed to demonstrate that he was entitled to any additional credits in the instant case. Appellant's claims for additional relief were bare and naked claims lacking specific facts. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). Further, the credit history log provided by the State amply demonstrated that the Department treats the credits earned pursuant to NRS 209.4465 as "days" and did not reduce the credits by any mathematical formula. The credit history log indicated appellant received statutory good time credits in compliance with NRS 209.4465. The credit history log further indicated that appellant received statutory work credits during his incarceration in the instant case, and appellant failed to demonstrate that he was entitled to any additional work credits. To the extent that appellant complained that the prison did not provide an adequate number of jobs, that complaint is a challenge to the conditions of confinement, which is not cognizable in a petition for a writ of habeas corpus. 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.<sup>1</sup>

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Valerie Adair, District Judge  
Larry E. Murphy  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>1</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.