

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, JACK
PALMER,
Respondent.

No. 52096

FILED

APR 14 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Tracie K. Lindeman
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

On June 24, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court, challenging a prison disciplinary hearing in which he was found guilty of G27 (abuse of the grievance process) and sanctioned to 30 days of disciplinary segregation. 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 October 21, 2008, the district court dismissed appellant's petition. This appeal followed.


In his petition, appellant claimed that the charge of abuse of the grievance process unreasonably restricted his freedom of speech, he was arbitrarily and capriciously subjected to reclassification which caused him to be transferred to a maximum security facility, the sanction was unreasonably excessive given the nature of his offense, the sanction imposed violated his due process and equal protection rights, prison officials did not follow proper procedures when charging him, and there was no reasonable and effective appellate review process.


Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing appellant's petition. This court has "repeatedly held that a petition for [a] writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof." Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484 (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"). Appellant did not allege and the record does not reveal that any credits were actually forfeited in the instant case. Appellant's challenges to the disciplinary segregation and his transfer to a different facility were challenges to the condition of his confinement. Consequently, appellant's

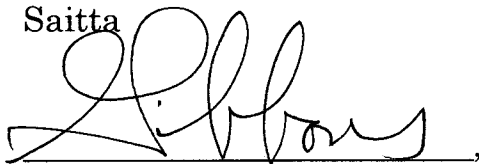
challenge was not cognizable in a petition for a writ of habeas corpus. Therefore, we affirm the order of the district court dismissing the petition.

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 Luckett 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. Richard Wagner, District Judge
Steven Floyd Voss
Attorney General Catherine Cortez Masto/Carson City
Pershing County Clerk