

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL, AND HOWARD SKOLNIK,
Respondents.

No. 52582

FILED

AUG 21 2009

TRACIE K. LINDENMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

On September 8, 2008, appellant filed a document labeled "ex-parte petition for writ of habeas corpus/extraordinary relief conditions of confinement writ of habeas corpus and testificandum" in the district court. 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 3, 2008, the district court dismissed appellant's petition. This appeal followed.

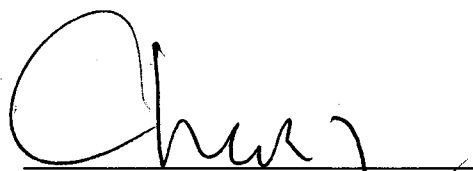
In his petition, appellant made four claims that his due process and equal protection rights had been violated: (1) that his pleadings are "being scrubbed, blocked, and molested" resulting in his pleadings not being filed, (2) that he is being denied access to state records, (3) that prison officials, court clerks, and prison officials are not following protocol regarding legal mail, and (4) that he is being punished "for [his] litigation and case issues."


The district court treated the petition as a habeas corpus petition because of the label and form petitioner used and dismissed the petition because appellant failed to set forth a cognizable claim for relief.


Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing the 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”). Because appellant’s claims challenged the conditions of confinement, we conclude that the district court correctly determined that appellant had failed to set forth cognizable claims and 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 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. Dan L. Papez, District Judge
Felton L. Matthews Jr.
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk