IN THE SUPREME COURT OF THE STATE OF NEVADA

DUANE SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52736

FILED

FEB 04 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
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. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

On November 21, 2006, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted possession of a controlled substance with the intent to sell. The district court sentenced appellant to serve a term of 19 to 48 months in the Nevada State Prison. The district court suspended the sentence and placed appellant on probation for a period of 2 years. No direct appeal was taken. On July 19, 2007, the district court entered an order revoking probation, executing the original sentence, and amending the judgment of conviction to include 202 days of credit for time served.

On June 10, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus 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 2, 2008, the district court dismissed 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 credit per month pursuant to NRS 209.4465 for a total of 480 days of statutory good time credits. Appellant further claimed that he should receive 10 days of work credit per month for a total of 240 credits. Appellant appeared to claim that the failure of the prison to provide enough jobs deprived him of earning work credits.

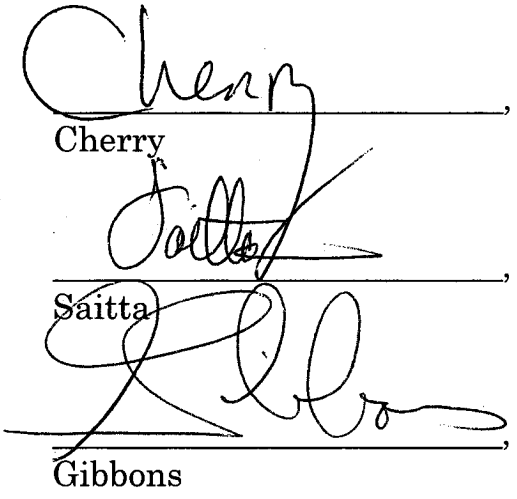
The district court dismissed the petition because the petition had not been filed as a separate and independent action from the original criminal case. Although NRS 34.730 contemplates that a post-conviction petition for a writ of habeas corpus which challenges the computation of time served be filed in a separate action from the original criminal case, nothing requires the district court to dismiss the petition on that basis. Rather, it appears that this is a filing issue with the district court clerk's office and not a filing issue within the sole control of the proper person litigant. Regardless, we affirm the order of the district court because the district court reached the correct result in dismissing the petition.

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

ORDER the judgment of the district court AFFIRMED.[1]



_____, J.
Cherry

_____, J.
Saitta

_____, J.
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Duane Scott
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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[1]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.