

IN THE SUPREME COURT OF THE STATE OF NEVADA

KAREEM BROCK,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 52892

FILED

MAR 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 dismissing a post-conviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.


On February 21, 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 MJ26 (possession of contraband) and sanctioned to 365 days of disciplinary segregation. The State filed a motion to dismiss. 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 October 21, 2008, the district court dismissed appellant's petition. This appeal followed.


In his petition, appellant claimed that the disciplinary hearing officer was not impartial, the use of a confidential informant violated his due process rights, and he was not read his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).


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. 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. Dan L. Papez, District Judge
Kareem Brock
Attorney General Catherine Cortez Masto/Ely
White Pine County Clerk