

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVIN T. SOLIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53001

FILED

JUN 23 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; Douglas W. Herndon, Judge.

On May 30, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of time served. The State filed a motion to dismiss the petition on the grounds that the petition was filed in a criminal case and not as a separate action, the proper form was not used, and the petition was not served on the Attorney General. Appellant filed a motion for leave to amend the petition and an amended petition correcting the form and the service defects. The State continued to oppose the petition as it should have been filed in a separate action from the criminal case. On December 15, 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 credit per month

pursuant to NRS 209.4465 for a total of 570 days of statutory good time credits. Appellant further claimed that he should receive 10 days of work credit per month for a total of 300 credits. Appellant appeared to claim that the failure of the prison to provide enough jobs deprived him of earning work credits.

The district court denied the petition because the petition had not been filed as a separate and independent action from the original criminal case.¹ 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 deny 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 denying the petition.

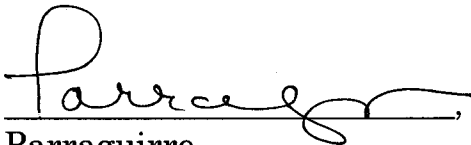
Appellant failed to demonstrate that he was entitled to any relief in the instant case. Appellant's claims for additional credits were bare and naked claims lacking specific facts. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). To the extent that appellant complained that the prison did not provide an adequate number of jobs, that complaint is a challenge to the conditions of confinement, which is not cognizable in a

¹It appears that the district court also denied the petition because it designated only one of his two judgments of conviction and he had not begun to serve the second judgment of conviction. Because a computation of time served claim challenges statutory credits earned while incarcerated, the designation of a specific judgment of conviction is not relevant to the claim as raised in this case.

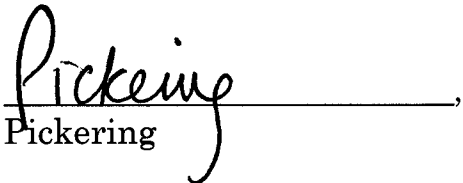
petition for a writ of habeas corpus. Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

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.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Melvin T. Solis
Attorney General Catherine Cortez Masto/Las Vegas
Eighth District Court Clerk