

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN EUGENE LEPLEY,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, CRAIG
FARWELL,
Respondent.

No. 53508

FILED

APR 21 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

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

Appellant filed a post-conviction petition for a writ of habeas corpus in the district court challenging the loss of statutory good time credits at a prison disciplinary hearing. The district court denied the appeal. On appeal, this court affirmed the district court's denial of his petition in part, but remanded the matter to the district court to conduct further proceedings on appellant's claim regarding the impartiality of the prison disciplinary hearing officer and the composition of the prison disciplinary hearing committee. Lepley v. Warden, Docket No. 49277 (Order Affirming in Part and Remanding in Part, September 5, 2008).

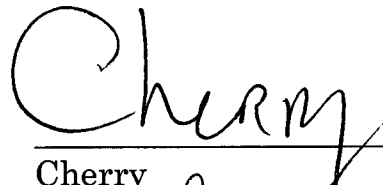
On remand, the district court conducted an evidentiary hearing and determined that the hearing officer was not impartial. Consequently, the district court granted the petition and directed the Nevada Department of Corrections to restore the good time credits. The district court, consistent with this court's prior determination that a challenge to any other sanctions would not be cognizable in a petition for a

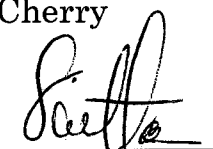
writ of habeas corpus, determined that the ruling had no effect on the other sanctions imposed. The district court further noted that the Nevada Department of Corrections was free to conduct another prison disciplinary hearing.

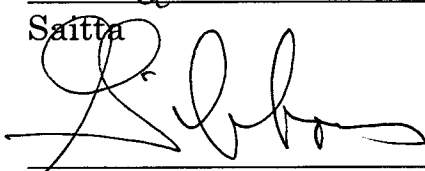
On March 20, 2009, appellant filed a notice of appeal in the district court. It appears that appellant is challenging the manner in which the district court granted the petition. In particular, in his notice of appeal, appellant raises complaints about the other sanctions imposed and the inconvenience they caused him. Appellant noted that he asked for \$10,000 in damages. Appellant stated in his notice of appeal that he was seeking “a penalty phase in this civil matter and awards for this petitioner.”

This court lacks jurisdiction over this appeal. Appellant was not aggrieved from the district court’s grant of his petition for a writ of habeas corpus. See NRS 34.575(1) (providing that a petitioner may appeal from the denial of a petition for a writ of habeas corpus). Appellant received the only remedy available under a petition for a writ of habeas corpus—restoration of his credits. Any other challenges were improperly raised in the petition for a writ of habeas corpus. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Richard Wagner, District Judge
Brian Eugene Lepley
Attorney General Catherine Cortez Masto/Reno
Pershing County Clerk