

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD MATHISON,
Appellant,
vs.
WARDEN, WARM SPRINGS
CORRECTIONAL CENTER,
STEPHANIE HUMPHREY,
Respondent.

No. 54243

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingerson*
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.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant filed his petition on February 11, 2009, in which he claimed that his statutory good time credits were incorrectly calculated, challenged the conditions of confinement, and claimed he was denied a timely parole hearing. On April 29, 2009, the district court ordered appellant to file an amended petition which provided more detail for his claims. Appellant did not file an amended petition and, therefore, the district court dismissed the petition. We affirm the district court's

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

decision to dismiss the petition due to appellant's failure to file an amended petition.

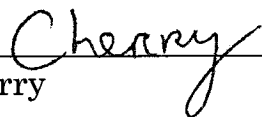
Moreover, as a separate and independent ground for affirming the order of the district court, the claims raised in appellant's petition lacked merit. Appellant first claimed that his statutory good time credits were calculated incorrectly because he was earning only 10 days of credit per month instead of 20 and that this violated his right to equal protection. As appellant was convicted before July 17, 1997, he failed to demonstrate he was entitled to 20 days of credit per month. See NRS 209.446; NRS 209.4465. Further, appellant failed to demonstrate that granting additional credits only to persons convicted after July 17, 1997, violated his equal protection rights because his claim was not based on a fundamental right or his membership in a suspect class and it was rationally related to a legitimate governmental interest. Gaines v. State, 116 Nev. 359, 371-72, 998 P.2d 166, 173-74 (2000).

Second, appellant claimed that his custody status was improperly raised to medium, that he was not given proper medical treatment, and that transfers within the prison system caused him to lose the opportunity to earn work credits. These challenged the conditions of confinement and a post-conviction petition for a writ of habeas corpus is not the proper vehicle to raise such challenges. Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).


Third, appellant asserted that he was denied a timely parole hearing because a hearing was delayed for no reason. Because it appeared that appellant had received a parole hearing during the pendency of the proceedings, this court directed the State to file a response indicating whether a parole hearing had been conducted during the proceedings in

this matter. On May 3, 2010, the State filed a response demonstrating that appellant received a parole hearing on July 28, 2009. This renders this claim moot as the only remedy available would be to order the parole board to conduct a hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Cherry, J.


Saitta, J.


Gibbons, J.

cc: Hon. James Todd Russell, District Judge
Ronald Mathison
Attorney General/Carson City
Carson City Clerk