

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 54857

FILED

FEB 04 2010

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

ORDER OF AFFIRMANCE

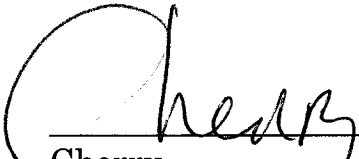
This is a proper person appeal from an order of the district court denying a “petition for collateral challenge to state prison disciplinary conviction and sanctions.”¹ Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

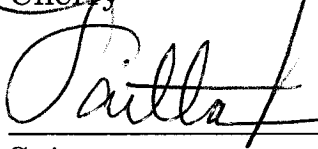
In his petition filed on May 19, 2009, appellant claimed that his due process rights were violated at a prison disciplinary hearing that resulted in a finding of guilt of possession of unauthorized property, a hot pot, and seizure of the hot pot. The district court denied the petition because there was no basis in the law for such a challenge. We agree. Further, as noted by the district court, even if the petition were to be construed as a petition for a writ of habeas corpus, the claim raised would

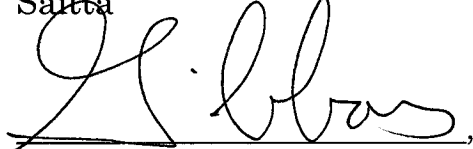
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

not be cognizable as it is a challenge to the conditions of confinement.
Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Richard Wagner, District Judge
Steven Floyd Voss
Attorney General/Carson City
Pershing County Clerk

²We further conclude that the district court did not abuse its discretion in noting that the petition filed was frivolous and a waste of the court's time and resources. Appellant is cautioned that statutory credits may be forfeited for filing a frivolous document in a civil action. NRS 209.451.