

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN R. GUIDO,
Appellant,
vs.
WARDEN, DWIGHT NEVEN,
Respondent.

No. 55365

FILED

SEP 29 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 post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

On August 18, 2009, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging a prison disciplinary hearing, which resulted in a finding of guilt of MJ 23 (property damage) and MJ 26 (possession of contraband). Appellant was sanctioned as follows: disciplinary segregation, restitution, and loss of statutory good time credits. Appellant claimed that he was deprived of due process at the prison disciplinary hearing that resulted in the loss of his statutory good time credits.²

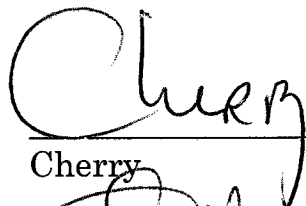
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

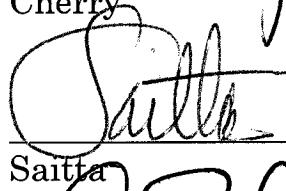
²To the extent that appellant challenged his placement in disciplinary segregation and restitution, appellant's challenge was not cognizable in a petition for a writ of habeas corpus. See Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 486 (1995) (holding that liberty interest protected the Due Process

continued on next page . . .

Appellant failed to demonstrate a violation of due process because he received advance written notice of the charges and a written statement by the fact finders of the evidence relied upon and reasons for the finding. Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974). Appellant further failed to demonstrate that he was denied a qualified right to call witnesses and present evidence. Id. at 566. Confrontation and cross-examination in prison disciplinary proceedings are not required because these procedures present "greater hazards to institutional interests." Id. at 567-68. Some evidence supports the decision by the prison disciplinary hearing officer, Superintendent v. Hill, 472 U.S. 445, 455 (1985), and therefore, appellant failed to demonstrate that he was entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Cherry

 _____, J.
Saitta

 _____, J.
Gibbons

... continued

Clause will generally be limited to freedom from restraint which imposes an atypical and signification hardship on the inmate in relation to the ordinary incidents of prison life).

cc: Hon. Kathy A. Hardcastle, District Judge
Eighth District Court Clerk
John R. Guido
Attorney General/Las Vegas