

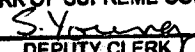
IN THE SUPREME COURT OF THE STATE OF NEVADA

CORNELL DEWAYNE BELT,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 55726

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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 Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition filed on January 19, 2010, appellant challenged a prison disciplinary hearing, which resulted in a finding of guilt of MJ2 (assault) and MJ3 (battery). Appellant was sanctioned as follows: disciplinary segregation and loss of 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).

²Appellant's claim that he was also ordered to pay restitution was not supported by the record. To the extent that appellant challenged his placement in disciplinary segregation and the alleged restitution, these claims were 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 by the Due Process Clause will generally be limited to freedom from

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Appellant claimed that he was deprived of due process at the prison disciplinary hearing as well as during his institutional appeal.

Appellant failed to demonstrate a violation of due process at the prison disciplinary hearing because he received adequate, advanced written notice of the charges; received a written statement by the fact finders of the evidence relied upon and reasons for the finding; and was not denied his qualified right to call witnesses and present evidence. Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974). Further, some evidence supported the decision by the prison disciplinary hearing officer. Superintendent v. Hill, 472 U.S. 445, 455 (1985). Finally, an institutional appeal is not a protected due process right. See Sandin, 515 U.S. at 486. Appellant therefore failed to demonstrate that he was entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

... continued

restraint which imposes an atypical and signification hardship on the inmate in relation to the ordinary incidents of prison life).

cc: Hon. Steve L. Dobrescu, District Judge
Cornell Dewayne Belt
Attorney General/Ely
White Pine County Clerk