

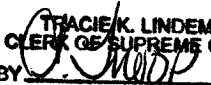
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID R. BLACK,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 56260

FILED

MAR 18 2011

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 Eighth Judicial District Court, Clark County; Jackie Glass, Judge.


In his petition filed on July 22, 2009, appellant challenged the loss of statutory good-time credits as the result of a prison disciplinary hearing in which he was found guilty of assault and engaging in gang activities. He claimed his request to call witnesses on his behalf was improperly denied and that there was insufficient evidence to support the disciplinary hearing officer's findings.

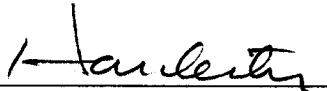
Appellant failed to demonstrate a violation of due process because he received: (1) advance written notice of the charges; (2) a written statement from the fact-finders of the evidence relied upon and

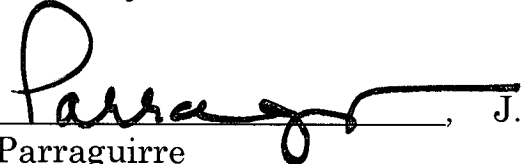
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

the reasons for disciplinary action; and (3) a qualified right to call witnesses and present evidence. Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974). Appellant had no right to call the victim as a witness because 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 as a prison guard witnessed appellant and others assault a fellow inmate, Superintendent v. Hill, 472 U.S. 445, 455 (1985); see also N.D.O.C. A.R. 707 (3)(e)(11) (Inmate Disciplinary Manual), and therefore, appellant failed to demonstrate that he was entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Jackie Glass, District Judge
David R. Black
Attorney General/Las Vegas
Eighth District Court Clerk