


IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JAMES BETTS,  
Appellant,  
vs.  
E.K. MCDANIEL, WARDEN; LT.  
SEDLACEK; LT. MINNIX; AND  
GERALD THOMPSON, I.G., ELY  
STATE PRISON OFFICIALS,  
Respondents.

No. 56920

**FILED**

**MAY 09 2011**

TRACE 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.<sup>1</sup> Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition filed on January 28, 2010, appellant challenged the loss of statutory good time credits as the result of a prison disciplinary hearing in which he was found guilty of escape.<sup>2</sup>


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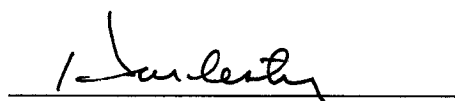
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

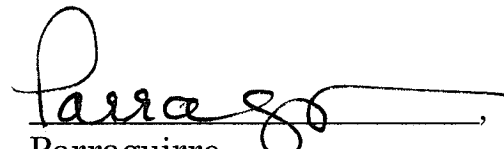
<sup>2</sup>To the extent that appellant challenges his placement into disciplinary segregation, loss of phone privileges, and the order of restitution, these claims do not challenge the validity of a judgment of conviction or sentence, or the computation of time served, and thus, are not cognizable in a post-conviction petition for a writ of habeas corpus. See NRS 34.720; Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

Based upon our review of the record on appeal, we conclude that appellant failed to demonstrate the violation of any protected due process right for the following reasons: (1) he received adequate notice of the charges,<sup>3</sup> (2) he had no right to call the charging officer or the officer in charge of the work crew because the right to cross-examination and confrontation does not extend to prison disciplinary proceedings, (3) he failed to follow the correct procedures for calling other witnesses at the hearing and failed to demonstrate that the disciplinary hearing officer erred by not allowing him to call the witnesses, (4) the record belies appellant's claim that he was coerced into giving a statement at the disciplinary hearing, (5) he was not entitled to legal counsel or to the aid of a fellow inmate or prison staff member,<sup>4</sup> and (6) some evidence supported the decision of the disciplinary hearing officer. See Wolff, 418 U.S. at 563-70; Superintendent v. Hill, 472 U.S. 445, 455-56 (1985). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

<sup>3</sup>Appellant's claim that the disciplinary hearing was not timely held after the notice of charges were served does not implicate appellant's due process rights, see Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974), and would not entitle him to relief.

<sup>4</sup>Appellant's claim that he was not able to make legal phone calls from October 20, 2008 to January 25, 2009, does not implicate appellant's due process rights, see Wolff, 418 U.S. at 563-69, and would not entitle him to relief.

cc: Hon. Steve L. Dobrescu, District Judge  
Michael James Betts  
Attorney General/Ely  
White Pine County Clerk