

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDALL GEORGE ANGEL,  
Appellant,  
vs.  
JACKSON HARDY,  
Respondent.

No. 57093

**FILED**

**SEP 15 2011**

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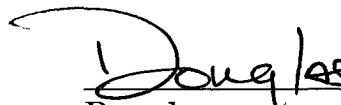
ORDER OF AFFIRMANCE

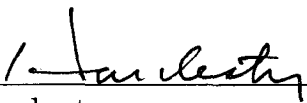
This is a proper person appeal from a district court summary judgment in a civil rights action. First Judicial District Court, Carson City; James Todd Russell, Judge.

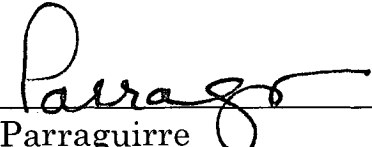
Upon de novo review, we conclude that the district court properly granted summary judgment to respondent in this case. See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (explaining that this court reviews the district court's grant of summary judgment de novo). Appellant alleged in his civil rights complaint that respondent denied him due process by refusing to allow him to call certain witnesses at a disciplinary hearing. In response to respondent's summary judgment motion, however, appellant failed to identify any genuine issue of fact with regard to whether he was deprived, or was in danger of being deprived, of a liberty interest. See Kelch v. Director, 107 Nev. 827, 829, 822 P.2d 1094, 1095 (1991) (holding that "the due process clause only applies where the claimant has been deprived (or is in jeopardy of being deprived) of some type of liberty interest"). In particular, the undisputed facts show that the only discipline appellant received as a result of the hearing was a verbal reprimand. Moreover, as to appellant's argument that he also lost the right to be transferred to a work camp where he could have earned credits

towards early release, respondent's evidence showed that, even before the incident that resulted in the hearing, appellant was not eligible for such a transfer, and appellant did not identify any facts demonstrating a genuine issue in this regard. See Wood, 121 Nev. at 732, 121 P.3d at 1031 (recognizing that, to overcome a motion for summary judgment, the nonmoving party must set forth specific facts demonstrating the existence of a genuine issue for trial). Because appellant failed to establish a genuine issue of material fact as to whether he was deprived of a liberty interest, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

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

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

cc: Hon. James Todd Russell, District Judge  
Randall George Angel  
Attorney General/Carson City  
Carson City Clerk