

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH MCPHERSON KEMP,
Appellant,
vs.
E.K. MCDANIEL,
Respondent.

No. 57808

FILED

JUL 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Lindeman*
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; Dan L. Papez, Judge.

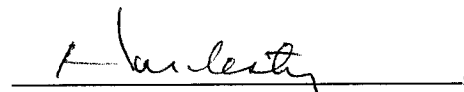
In his petition filed on November 16, 2010, appellant challenged his designation as a member of a security threat group, a prison caseworker's refusal to correct information in his parole report, and disciplinary actions that resulted in his placement into administrative segregation. These claims challenged the conditions of confinement, and thus, were not cognizable in a petition for a writ of habeas corpus filed in state court. Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484-86 (1995). To the extent that appellant also raised these claims in an attempt to challenge the denial of parole, appellant is not entitled to habeas relief. Appellant is

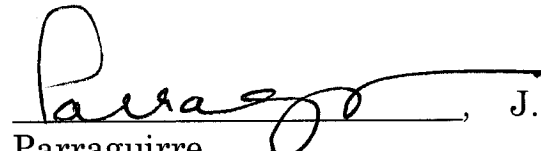
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

lawfully confined pursuant to a judgment of conviction, the validity of which he did not dispute. NRS 34.360; NRS 34.480. Further, parole is an act of grace of the State and there is no cause of action permitted when parole has been denied. See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989). Therefore, the district court did not err in denying these claims, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Dan L. Papez, District Judge
Keith McPherson Kemp
Attorney General/Carson City
White Pine County Clerk