

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN SCOTT DAVIS,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 57982

KEVIN SCOTT DAVIS,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 57983

KEVIN SCOTT DAVIS,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 57984

FILED

JUL 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying post-conviction petitions for a writ of habeas corpus.¹

¹These appeals have 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).

Eighth Judicial District Court, Clark County; Michael Villani, Judge. We elect to consolidate these appeals for disposition. NRAP 3(b)(2).

Docket Nos. 57982 and 57983

In his petitions filed on June 10, 2010, and June 24, 2010, appellant challenged prison disciplinary proceedings which resulted in him being found guilty of having a dirty cell, damaging prison property, and making threats. Because appellant did not lose any credits in the prison disciplinary proceedings at issue in these petitions, appellant's 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, 486 (1995). Therefore, we affirm the orders of the district court denying these petitions.

Docket No. 57984


On May 25, 2010, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging a prison disciplinary hearing, which resulted in a finding of guilt of compromising a staff person. Appellant was sanctioned to disciplinary segregation and the loss of statutory good time credits.²

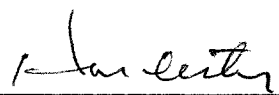
Appellant failed to demonstrate a violation of due process because he received: (1) advance written notice of the charges; (2) written

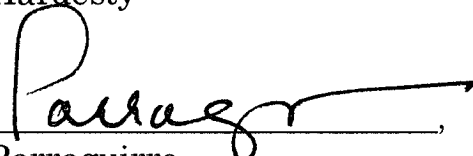
²To the extent that appellant challenged his placement in disciplinary segregation or classification level, appellant's challenge was not cognizable in a petition for a writ of habeas corpus. See Bowen, 100 Nev. at 490, 686 P.2d at 250; see also Sandin, 515 U.S. at 486 (holding that liberty interest protected by Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life).

statement by the fact-finders of the evidence relied upon and 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). Further, appellant failed to demonstrate he was illiterate or that complex issues were involved, and therefore, failed to demonstrate that he “should be free to seek the aid of a fellow inmate, or if that is forbidden, to have adequate substitute aid in the form of help from the staff or from a sufficiently competent inmate designated by the staff.” Id. at 570. Some evidence supports the decision by the prison disciplinary hearing officer, Superintendent v. Hill, 472 U.S. 445, 455 (1985), and therefore, appellant failed to demonstrate that he was entitled to relief. Appellant did not demonstrate that the disciplinary hearing officer was not impartial. NDOC A.R. 707.1(2)(A)(8)(c) (inmate disciplinary manual). Any claims challenging alleged violations of various other prison regulations and the treatment of prisoners by staff, which are not set forth in Wolff, do not implicate due process in this case and failed to provide a basis for challenging the prison disciplinary hearing. See Sandin, 515 U.S. at 483-84; NDOC A.R. 707.1(10). Therefore, we affirm the order of the district court denying the petition in Docket No. 57984. Accordingly, we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Kevin Scott Davis
Attorney General/Las Vegas
Eighth District Court Clerk