

IN THE SUPREME COURT OF THE STATE OF NEVADA

DORIAN M. GIVENS,
Appellant,
vs.
DWIGHT NEVEN, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 59449

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

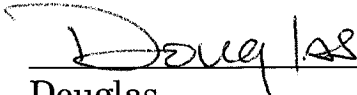
In his petition, filed on January 4, 2011, appellant claimed that because he has met the classification requirements for minimum-custody status, he is entitled to receive ten days' credit per month pursuant to NRS 209.4465(4) but that the Nevada Department of Corrections has failed to credit him that time. NRS 209.4465(4) does not mandate additional credit for minimum-custody prisoners but rather

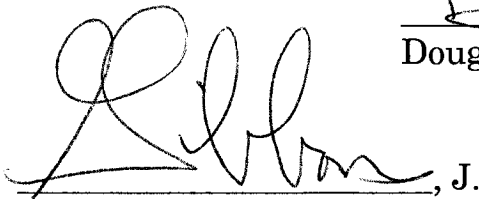
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

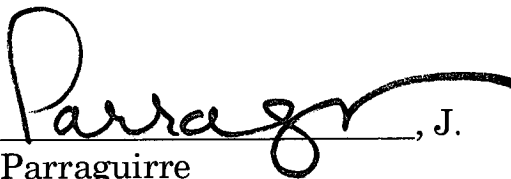
Appellant's pleading below was styled as a petition for a writ of habeas corpus. However, as appellant acknowledged that he was confined pursuant to a judgment of conviction and he did not challenge its validity, his claims were outside the scope of such a petition. See NRS 34.360. In denying appellant's petition on the merits, the district court apparently construed the pleading as a post-conviction petition for a writ of habeas corpus.

allows the director of the Nevada Department of Corrections to provide up to 10 days of credit each month for a prisoner who participates in specific types of programs. Thus even if his alleged facts were true, appellant's claim lacked merit. Further, to the extent appellant was challenging his placement within the prison system, placement is a condition of confinement and thus may not be challenged in a post-conviction petition for a writ of habeas corpus. Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Valorie J. Vega, District Judge
Dorian M. Givens
Attorney General/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk