

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN J. BUSH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34796

BRIAN J. BUSH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35480

**FILED**

MAR 17 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEALS

Docket Number 34796 is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus. Docket No. 35480 is a proper person appeal from an order of the district court denying appellant's motion seeking order of the court demanding petitioner's re-extradition to the lawful custody of the Nevada Department of Prisons. We elect to consolidate these appeals for disposition. See NRAP 3(b).

On July 6, 1999, appellant filed a petition for a writ of habeas corpus in the district court. The State opposed the petition. On August 25, 1999, the district court denied appellant's petition. Appellant's appeal is docketed in this court as Docket No. 34796.

On November 16, 1999, appellant filed a motion in the district court seeking an order of the court demanding petitioner's re-extradition to the lawful custody of the Nevada Department of Prisons. The State opposed the motion, and appellant filed a reply to the State's opposition. On December 16, 1999, the district court denied appellant's motion. Appellant's appeal is docketed in this court as Docket No. 35480.

Docket No. 34796

In his petition, appellant argued that he should be returned to Nevada to complete serving his Nevada sentence. He argued that he was serving "a Nevada sentence in the improper jurisdiction of the Louisiana Department o[f] Corrections." The district court denied appellant's petition for the reason that his arguments were not cognizable in a petition for a writ of habeas corpus. Based upon our review of the record, we conclude that the district court did not err. See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) ("[A] petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof."). Moreover, appellant is not entitled to the relief requested. See Olim v. Wakinekona, 461 U.S. 238, 245 (1983) ("Just as an inmate has no justifiable expectation that he will be incarcerated in any particular prison within a State, he has no justifiable expectation that he will be incarcerated in any particular State.").

Docket No. 35480

In denying his motion, the district court noted that "[appellant's motion] is essentially another motion requesting the relief already denied by this Court." The district court further stated, "[appellant] is perfectly aware that the relief he seeks in the instant motion has already been denied. . . . The law has not changed in the past 3 months and this Court will not entertain any further arguments on this issue." For the reasons discussed above, we conclude that the district court did not err in denying appellant's motion.<sup>1</sup>

Conclusion

Having reviewed the records on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d

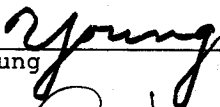
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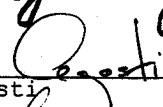
<sup>1</sup>Appellant's claim that he was deprived of access to Nevada statutes and law is not supported by the record.


910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

Accordingly, we

ORDER these appeals dismissed.<sup>2</sup>

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Michael R. Griffin, District Judge  
Attorney General  
Carson City District Attorney  
Brian J. Bush  
Carson City Clerk

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<sup>2</sup>We have considered all proper person documents filed or received in these matters, and we conclude that the relief requested is not warranted. In a proper person letter to this court, appellant asserts that the district court has not entered a written order denying his motion. Appellant is in error. The records before this court reveal that the district court did in fact enter a written order denying his motion on December 16, 1999.