

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY LEE,
Appellant,
vs.
DWIGHT NEVEN, WARDEN,
Respondent.

No. 61175

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anger*
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; Jerry A. Wiese, Judge.

On December 30, 2011, 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 MJ 44 (failure to submit to a drug/alcohol test). Appellant claimed that he was deprived of due process at the prison disciplinary hearing that resulted in the loss of 90 days of statutory good time credits.²

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).

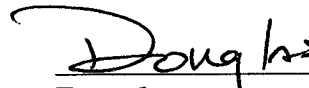
²To the extent that appellant challenged his placement in disciplinary segregation, restitution or the loss of privileges, appellant's challenge was not cognizable in a petition for a writ of habeas corpus. See Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 486 (1995) (holding that liberty interest protected the Due Process Clause will generally be limited to freedom from restraint


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Appellant failed to demonstrate a violation of due process because he received: (1) advance written notice of the charges; (2) written statement 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). Some evidence supported 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. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jerry A. Wiese, District Judge
Jeffrey Lee
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk

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which imposes an atypical and signification hardship on the inmate in relation to the ordinary incidents of prison life).