

IN THE SUPREME COURT OF THE STATE OF NEVADA

NARVIEZ V. ALEXANDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61325

FILED

MAR 13 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

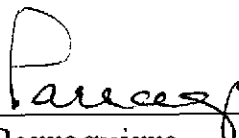
This is an appeal from a district court order dismissing a civil rights action. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

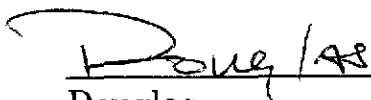
Appellant argues that because his complaint did not specifically challenge the fact or duration of his underlying conviction, but was instead challenging the conditions of his confinement, and because he submitted a form that purported to waive his right to challenge the duration of his confinement in the form of lost good time credits, the district court erred in dismissing his complaint.

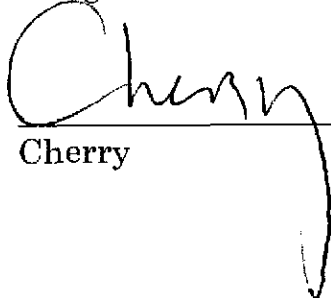
Having considered the parties' arguments and reviewed the record on appeal, we perceive no error in the district court's judgment. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (applying a de novo standard of review to an order granting an NRCP 12(b)(5) motion to dismiss); *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) (holding that when a state prisoner seeks damages for civil rights violations under 42 U.S.C. § 1983, the district court must dismiss the action if "a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence" unless the plaintiff demonstrates "the conviction or sentence has already been

invalidated"); see *Edwards v. Balisok*, 520 U.S. 641, 647-48 (1997) (recognizing that claims for damages and declaratory relief, based on allegations of deceit and bias on the part of the decisionmaker that implicate the validity of the punishment imposed in a prison disciplinary decision are not cognizable under § 1983); *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 455 (1985) (holding that "the requirements of due process are satisfied if some evidence supports the decision by the prison disciplinary board to revoke good time credits"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Eighth Judicial District Court Dept. 20
Narviez V. Alexander
Attorney General/Carson City
Eighth District Court Clerk