

IN THE SUPREME COURT OF THE STATE OF NEVADA

OCTAVIO MENDOZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61572

FILED

APR 09 2013

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

On May 4, 2012, 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 MJ25 (threats) and MJ10 (gang activity), and the forfeiture of 180 days of good time credits. Appellant claimed that he was deprived of due process because he was not provided specific notice of the amount of credits to be forfeited.

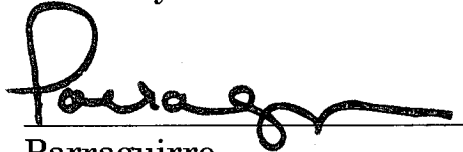
Appellant failed to demonstrate a violation of due process because he received: (1) advance written notice of the charges; (2) written statement of the fact-finders of the evidence relied upon and the reasons for disciplinary action; and (3) a qualified right to call witnesses and

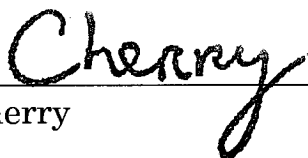
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

present evidence. Wolff v. McDonnell, 418 U.S. 539, 563-69 (1974). 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. Minimal due process does not require appellant be informed of the specific amount of credits to be forfeited, and the record indicates that appellant was aware that a consequence of the hearing could be the forfeiture of credits. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Michael Villani, District Judge
Octavio Mendoza
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk