

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL THOMAS MCCREARY,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 63709

FILED

JAN 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
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. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

In his petition filed on February 1, 2013, appellant claimed that his due process rights were violated at a prison disciplinary hearing, which resulted in disciplinary segregation, loss of privileges, restitution, and referral for the loss of credits. However, appellant has not alleged nor does the record indicate that credits were actually forfeited. Appellant's claims challenging the prison disciplinary proceedings were not cognizable in a petition for a writ of habeas corpus filed in state court because appellant did not lose any credits and the claims challenged the conditions of confinement. *See Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984). Even assuming that appellant had forfeited credits, appellant failed to demonstrate a violation of any protected due process right because he received (1) advance written notice of the charges, (2) a written statement of the fact finders of the evidence relied upon and the reasons for disciplinary action, and (3) was provided an opportunity to call

witnesses and present evidence. *Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Gary Fairman, District Judge
Paul Thomas McCreary
Attorney General/Ely
White Pine County Clerk