

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN WENDLIN REIGER,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 63811

FILED

MAR 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 (prison disciplinary proceedings).¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition filed on January, 17, 2013, appellant first challenged his classification as a member of a Security Threat Group/Disruptive Group. He asserted that the classification resulted in close custody status and the loss of opportunities to earn work credits. Appellant claimed that the classification was not supported by sufficient, reliable evidence and violated his right to due process. Based upon our review of the record on appeal, we conclude that the district court did not err in dismissing these claims. Because appellant challenged only the conditions of his confinement, appellant's claims were not cognizable in a

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).

petition for a writ of habeas corpus.² See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (“We have repeatedly held that a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof.”); see also *Sandin v. Conner*, 515 U.S. 472 (1995).

Appellant next challenged a prison disciplinary hearing, which resulted in a finding of guilty of MJ2 (assault) and MJ3 (battery), and the forfeiture of statutory good-time credits.³ Appellant failed to demonstrate a violation of due process because he received: (1) advance written notice of the charges; (2) written statement by the fact finders 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). Confrontation and cross-examination are not required in prison disciplinary proceedings because these procedures present “greater hazards to institutional interests.” *Id.* at 567-68. Some evidence supports the decision by the prison disciplinary hearing officer, see *Superintendent v. Hill*, 472 U.S. 445, 455 (1985), and appellant failed to demonstrate that the hearing officer was not impartial. Additionally, the

²The fact that appellant was unable to earn work credits because of the sanctions does not rise to the level of forfeiture of credits. Thus, appellant’s claim relating to credits was not cognizable in a petition for a writ of habeas corpus.

³To the extent that appellant challenged his placement in disciplinary segregation, restitution, classification, prison transfer, the grievance system, alleged retaliatory practices, or the denial of an administrative appeal, appellant’s challenges were not cognizable in a petition for a writ of habeas corpus. See *Bowen*, 100 Nev. at 490, 686 P.2d at 250; see also *Sandin*, 515 U.S. at 486.

amount of credits forfeited did not exceed that permitted by the Code. N.D.O.C. A.R. 707.1(6)(H). Therefore, appellant failed to demonstrate that he was entitled to relief, and the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James Todd Russell, District Judge
Glenn Wendlin Reiger
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk