

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CARL MISIEWICZ,
Appellant,
vs.
DWIGHT NEVEN, WARDEN,
Respondent.

No. 64711

FILED

SEP 17 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

In his petition, filed on August 2, 2013, appellant alleged that he has been denied work credit because he has been denied the opportunity to work. Appellant did not demonstrate that he was entitled to any additional credits. A prisoner has no right to employment while in prison, and therefore, appellant cannot demonstrate that the lack of employment and opportunity to earn statutory credits violated any protected right. See NRS 209.461(1), (6); *Collins v. Palczewski*, 841 F. Supp. 333, 336-37 (D. Nev. 1993) (recognizing that a prisoner has no independent constitutional right to employment and that the Nevada statutes do not mandate employment). To the extent that appellant challenged the way that the Nevada Department of Corrections (NDOC)

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).

was computing his sentence, appellant failed to support this claim with specific facts that, if true, would have entitled him to relief. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

Appellant also claimed that NDOC improperly refused to place him in a minimum security facility. Placement is a condition of confinement and thus may not be challenged in a post-conviction petition for a writ of habeas corpus. *Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984). Further, we note that appellant is currently out on parole and this issue is moot. Therefore, the district court did not err in dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Adriana Escobar, District Judge
William Carl Misiewicz
Attorney General/Las Vegas
Eighth District Court Clerk