

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON,  
Respondent.

No. 65764

FILED

SEP 17 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
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 (disciplinary).<sup>1</sup> Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

In his petition filed on May 8, 2013, appellant claimed that his due process rights were violated at one or more prison disciplinary hearings that resulted in disciplinary segregation.<sup>2</sup> 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 allege that he lost any credits and the claims challenged the conditions of confinement. *See Bowen v. Warden*, 100 Nev. 489, 686 P.2d

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<sup>1</sup>This 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 Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>2</sup>Appellant did not state on which date or dates any hearing took place, merely stating that he was "sentenced" to 720 days of disciplinary segregation "[o]n or about 9-14-2012 to 9-28-13."

250 (1984); *see also Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Further, to the extent appellant claimed a due process violation in the prison appeals process, an institutional appeal is not a protected due process right. *See Sandin v. Conner*, 515 U.S. 472, 486 (1995). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Gary Fairman, District Judge  
Felton L. Matthews, Jr.  
Attorney General/Carson City  
Attorney General/Ely  
White Pine County Clerk

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<sup>3</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.