

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDDRICK LAJUAN HUNTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68764

**FILED**

FEB 17 2016

RACIEL LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his petition filed on March 5, 2015, appellant Fredrick Hunter claimed he suffered a loss of statutory good time credits without due process of law because he was denied the right to present a witness of his choice at the prison disciplinary hearing.

A prisoner facing forfeiture of earned statutory good time credits at a prison disciplinary hearing is entitled to minimum due process protections consisting of (1) advanced written notice of the charges, (2) a qualified opportunity to call witnesses and present evidence, (3) a written decision stating the evidence relied upon and the reasons for the disciplinary action, and (4) "some evidence" to support the disciplinary hearing officer's decision. *Superintendent v. Hill*, 472 U.S. 445, 455

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

112-900176

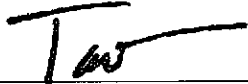
(1985); *Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974). While prisoners enjoy a qualified right to call witnesses in prison disciplinary hearings, prison officials have broad discretion to "keep the hearing within reasonable limits," and may deny witnesses for reasons of institutional security, lack of necessity, or lack of relevance. *Wolff*, 418 U.S. at 566.


Here, the district court found that Hunter was given timely written notice of the charges, a hearing, and an opportunity to present evidence. The hearing officer did not act arbitrarily or capriciously by denying Hunter's request to call his cellmate as a witness because the cellmate was also charged and could not be compelled to testify against himself and the testimony would have been cumulative. And there was some evidence to support the hearing officer's decision.

The record supports the district court's findings and we conclude the court did not err by dismissing Hunter's habeas petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. William D. Kephart, District Judge  
Freddrick Lajuan Hunter  
Attorney General/Las Vegas  
Eighth District Court Clerk