


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES RAY ESQUIBEL,  
Appellant,  
vs.  
BRIAN WILLIAMS, SR., WARDEN,  
Respondent.

No. 69990

**FILED**

NOV 17 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant James Ray Esquibel argues the district court erred in denying his June 30, 2015, petition. Esquibel asserts the Nevada Department of Corrections (NDOC) erroneously refuses to assign him to minimum custody and he asserts he would be able to earn additional credits with such an assignment. This claim challenges Esquibel's conditions of confinement and we conclude the district court correctly concluded this claim is not cognizable in a postconviction petition for a writ of habeas corpus. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).


Esquibel also asserts he should be awarded credits he would have been able to earn had he been assigned to minimum custody.


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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Because Esquibel is not assigned to minimum custody, he is not entitled to receive minimum-custody credits. See NRS 209.4465(4); see also NRS 209.481(2) (providing the director of the NDOC shall establish procedures for classifying and selecting qualified prisoners for assignment to minimum security facilities). Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Douglas Smith, District Judge  
James Ray Esquibel  
Attorney General/Carson City  
Attorney General/Las Vegas  
Clark County District Attorney  
Eighth District Court Clerk