

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOLAN E. KLEIN,  
Appellant,  
vs.  
WARDEN, NEVADA STATE PRISON,  
JOHN IGNACIO,  
Respondent.

No. 36767

FILED

APR 16 2002

JANE L. M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On April 10, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court raising claims relating to a prison disciplinary hearing. The State opposed the petition. On September 8, 2000, the district court denied the petition. On November 28, 2000, the district court entered an amended order denying appellant's petition after correcting a clerical error in the original order. This appeal followed.

In his petition, appellant claimed that his due process rights were violated during a prison disciplinary hearing that resulted in the loss of 60 days of statutory good time credits and placement in disciplinary detention for 10 days because he was found guilty of possessing contraband and tattooing equipment that allegedly belonged to his cellmate. Specifically, appellant claimed that "the policy of finding him guilty for a disciplinary action on the sole basis of his housing assignment

is unconstitutional.” He claimed that this policy does not set forth any procedural safeguards to protect an inmate from being punished for the acts of his cellmate.

To the extent that appellant complained about disciplinary segregation, the district court did not err in denying appellant’s petition.<sup>1</sup> To the extent that appellant complained about the loss of statutory good time credits, the district court did not err in denying appellant’s petition. Appellant failed to demonstrate that his due process rights were violated at his prison disciplinary hearing.<sup>2</sup> Appellant was given advanced written notice of the charges prior to the disciplinary hearing. Appellant was allowed to present evidence. Lastly, the disciplinary committee provided a written statement as to the evidence relied on in finding appellant guilty of the charges. Moreover, appellant institutionally appealed his conviction and lost. In denying the appeal, the Warden stated that “[t]he officer’s report clearly indicates that all of the items were found in a common area of the cell” and that both inmates are “responsible for items found in your cell.” Thus, appellant is not entitled to relief.

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<sup>1</sup>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.”).

<sup>2</sup>See Wolff v. McDonnell, 418 U.S. 539 (1974); Superintendent v. Hill, 472 U.S. 445 (1985).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, C.J.  
Maupin

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Michael R. Griffin, District Judge  
Attorney General/Carson City  
Carson City District Attorney  
Nolan E. Klein  
Carson City Clerk

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<sup>3</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>4</sup>We have considered all proper person documents filed or received in these matters, and we conclude that the relief requested is not warranted.