

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONOVAN CHARLES STONER,
Appellant,
vs.
JACK PALMER, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 74088

FILED

JUL 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Donovan Charles Stoner appeals from an order of the district court denying a petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

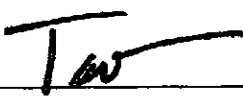
In his June 1, 2017, petition, Stoner claimed he has been transferred to the custody of the Colorado Department of Corrections, which has improperly forced him to perform hard labor. Stoner also argued he has improperly been denied medical treatment. However, these claims challenged the conditions of Stoner's confinement and such challenges are not appropriately raised in a petition for a writ of habeas corpus. *See generally Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); *see also* NRS 34.360 (explaining a petition for a writ of habeas corpus may be used to inquire into the cause of a petitioner's imprisonment or restraint).

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

Therefore, Stoner's claims were not cognizable in a petition for a writ of habeas corpus and the district court properly denied relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Elliott A. Sattler, District Judge
Donovan Charles Stoner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We note the district court also denied the petition based upon the procedural bar for successive postconviction petitions for a writ of habeas corpus. See NRS 34.810(2). However, Stoner did not file a postconviction petition for a writ of habeas corpus. Rather, Stoner filed a petition for a writ of habeas corpus pursuant to NRS 34.360 and the procedural bars in NRS 34.810 are not applicable to such petitions. Nevertheless, because the district court correctly denied relief, we affirm. *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).