

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND JERRY  
HOWELL, WARDEN,  
Respondents.

No. 83151-COA

**FILED**

FEB 18 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER AFFIRMING IN PART AND DISMISSING IN PART*

James Howard Hayes, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 30, 2021. Hayes also appeals from a purported May 10, 2021, order of the district court denying a “supplemental” petition. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

In his March 30, 2021, petition, Hayes alleged that the conditions in the prison and the prison’s actions regarding COVID-19 were so bad as to constitute cruel and unusual punishment. This claim fell outside the scope of claims allowed to be raised in a postconviction petition for a writ of habeas corpus because Hayes is challenging the conditions of confinement and not his judgment of conviction or the computation of time served. *See* NRS 34.724(1); *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Therefore, we conclude the district court did not err by denying this petition.

Hayes indicates he is also appealing from a May 10, 2021, order of the district court denying a supplemental petition. Our review of the record on appeal reveals that no order, oral or written, was entered on that date by the district court. Because Hayes failed to designate an appealable

order, this court lacks jurisdiction, and we dismiss this portion of the appeal. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND DISMISSED IN PART.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Monica Trujillo, District Judge  
James Howard Hayes, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk