

IN THE SUPREME COURT OF THE STATE OF NEVADA

GABRIEL PRESIADO,  
Appellant,  
vs.  
WARDEN, NEVADA STATE PRISON,  
DON HELLING,  
Respondent.

No. 37961

**FILED**

MAR 28 2002

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

ORDER OF AFFIRMANCE

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

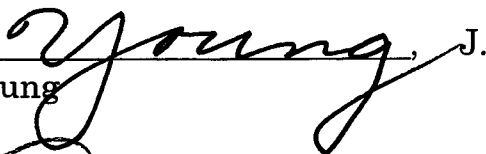
On December 27, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. On May 10, 2001, the district court denied appellant's petition. This appeal followed.

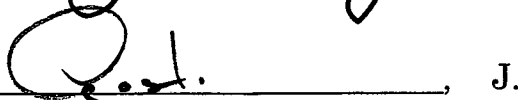
In his petition, appellant challenged the August 18, 2000 prison disciplinary hearing that resulted in fifteen days of disciplinary detention, the payment of restitution for one-quarter of the costs, and placement in disciplinary segregation for two years. Based upon this court's review of the record on appeal, we conclude that the district court did not err in denying appellant's habeas corpus petition. "We have repeatedly held that a petition for a writ of habeas corpus may challenge


the validity of current confinement, but not the conditions thereof.”<sup>1</sup> Appellant did not allege that he forfeited any credits as a result of the proceedings. The record does not reveal that any credits were ultimately forfeited. Therefore, appellant’s challenge fell outside the scope of a habeas corpus petition.

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>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

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

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

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<sup>1</sup>Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472 (1995) (holding that liberty interests protected by the Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life).

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

cc: Hon. William A. Maddox, District Judge  
Attorney General/Carson City  
Carson City District Attorney  
Gabriel Presiado  
Carson City Clerk