


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID BOOKER,
Appellant,
vs.
HIGH DESERT STATE PRISON,
Respondent.

No. 87935-COA

FILED
AUG 27 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

David Booker appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 2, 2023, and supplemental pleadings. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

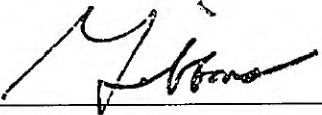
Booker contends the district court erred by construing his petition as a petition challenging the computation of time served and by denying his petition on the ground that he failed to exhaust his administrative remedies. *See* NRS 34.724; NRS 34.810(2). We agree.

In his petition, Booker claimed that the prison violated his constitutional rights by failing to offer rehabilitative programs. Although Booker further alleged that these constitutional violations were resulting in “days [being] added to [his] sentence,” he did not allege that the Nevada Department of Corrections had erred in computing the time he had served pursuant to the judgment of conviction, and he did not seek to have any credit applied toward his sentence. Rather, Booker appears to have sought an order requiring the prison to offer rehabilitative programs.

Booker’s claim that the prison violated his constitutional rights by failing to offer rehabilitative programs is a challenge to the conditions of

his confinement that 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), and his assertion that days were being added to his sentence, without more, did not bring his claim within the scope of claims permitted in a postconviction petition for a writ of habeas corpus, *see* NRS 34.720 (providing the scope of claims that may be raised in a postconviction petition for a writ of habeas corpus). Therefore, although we conclude the district court erred by construing Booker's petition as one challenging the computation of time served and by denying the petition on the ground that Booker failed to exhaust administrative remedies, we further conclude the district court did not err by denying Booker's petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

¹Insofar as Booker has raised other issues which are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Erika D. Ballou, District Judge
David Booker
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk