IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROGER WILLIAM HULL,
Appellant,
vs.
THE STATE OF NEVADA; NEVADA DEPARTMENT OF CORRECTIONS; HAROLD WICKHAM; LISA WALSH; PERRY RUSSELL; KATHRYN REYNOLDS; JAMES STOGNER; CHARLES DANIELS; AND ISIDRO BACA,
Respondents.

No. 88151-COA

ORDER OF AFFIRMANCE

Roger William Hull appeals from a district court order granting summary judgment in a civil rights action. First Judicial District Court, Carson City; Kristin Luis, Judge.

Hull is an inmate currently incarcerated in the Nevada Department of Corrections (NDOC) and housed at the Northern Nevada Correctional Center (NNCC). Respondents consist of the State of Nevada, the NDOC, and various NDOC employees responsible for operating or supervising the NNCC. Hull filed a complaint which alleged respondents violated his rights under the First, Eleventh, and Fourteenth Amendments to the United States Constitution by: (1) failing to provide him with the Brigham Young University (BYU) television channel despite the Church of Jesus Christ of Latter Day Saints (LDS Church)'s offer to cover the associated cost; (2) failing to provide him with, or allow him to use, an antenna to view air channels despite knowing the NNCC has poor television

reception; (3) refusing to allow him, and other members of the LDS Church to use the chapel on Monday nights for Family Home Evening; and (4) revoking his prior approval for minor visitation due to his status as a sex offender. Respondents filed an answer and, following discovery, the parties filed competing motions for summary judgment.

The district court denied Hull's motion for summary judgment and granted respondents' countermotion for summary judgment. The court found respondents' determination that inmates, including Hull, could not use antennas did not constitute a constitutional violation because Hull did not have a constitutional right to watch television. Similarly, the court found Hull did not have a constitutional right to the BYU television channel because he had no constitutional right to television programming and had a reasonable opportunity to practice his religion. The court further found that Hull failed to demonstrate a constitutional violation because no group was permitted to use the chapel at night, the constitution required only a reasonable opportunity to practice his religious beliefs, and he was permitted to use the chapel on Friday for religious meetings. Finally, regarding his visitation claim, the court found that inmates do not have a constitutional right to visit with minors and respondents' prior approval for such visitation did not create a constitutional right. Hull now appeals.

This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine dispute of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence "must be viewed in a light most favorable to the nonmoving party." *Id.* General allegations

and conclusory statements do not create genuine disputes of fact. *Id.* at 731, 121 P.3d at 1030-31.

Hull argues the district court erred by granting summary judgment on his chapel claims because a different religious group is permitted to meet Tuesday evening in the gym and, thus, he should be permitted to meet Monday evening in the chapel. We disagree. The Equal Protection Clause of the Fourteenth Amendment entitles each inmate to "a reasonable opportunity of pursuing his faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts." *Cruz v. Beto*, 405 U.S. 319, 322 (1972). Here, Hull concedes that no group is permitted to use the chapel for evening services and further concedes that he is permitted to have religious services in the chapel on Friday. *See Freeman v. Tex. Dep't of Crim. Just.*, 369 F.3d 854, 863 (5th Cir. 2004) (holding a prison policy did not violate the Equal Protection Clause because there was "little or no evidence that similarly situated faiths are afforded superior treatment"). Accordingly, we conclude the district court properly found that Hull had a reasonable opportunity, comparable to other faith groups, to practice his religion.[1]

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[1]To the extent Hull disputes whether summary judgment was improper on his chapel claim based on the First Amendment, we conclude that Hull failed to present cogent argument on that issue, as he does not address whether the lack of evening services is reasonably related to a legitimate penological interest. *See Turner v. Safley*, 482 U.S. 78, 89 (1987) (holding a regulation that allegedly violates an inmate's First Amendment rights will be upheld so long as the regulation is "reasonably related to legitimate penological interests"). Accordingly, we need not address that claim. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent arguments).

Hull next argues the district court erred by granting summary judgment on his television claims because he has an "inherent" right to watch television and respondents violated this right by failing to provide the BYU channel and/or by forbidding the use of an antenna. Hull argues that because respondents sell televisions, at a significant markup, he has an inherent constitutional right to watch television.[2] Courts have uniformly held inmates do not have a constitutional right to watch television or to watch specific programming. *See Dunahue v. Watson*, No. 5:15-cv-276-BSM-BD, 2017 WL 4931705, at *3 (E.D. Ark. July 18, 2017) (collecting cases holding that inmates do not possess a constitutional right to view their desired television programming or generally watch television). Further, we are unaware of any authority stating or suggesting that the sale of a prison television creates an "inherent" constitutional right that otherwise does not exist. We therefore conclude the court did not err by granting summary judgment on Hull's television claims.

We further conclude the district court did not err by granting summary judgment on Hull's visitation claim. On appeal Hull argues respondents violated their own administrative regulations by revoking his prior approval to have visitation with minors. However, the violation of

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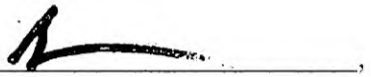
Further, Hull presents no argument regarding his chapel claim based on the Eleventh Amendment and thus we conclude he has forfeited this claim by failing to raise it. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (declining to consider issues that the appellant failed to raise on appeal).

[2]Hull provides no argument on appeal regarding whether the denial of the BYU channel or the refusal to permit antennas violates his First, Eleventh, or Fourteenth Amendment rights and thus he has forfeited this argument. *See Palmieri*, 131 Nev. at 1033 n.2, 367 P.3d at 446 n.2.

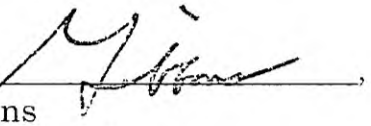
administrative regulations does not constitute a constitutional violation. *See Case v. Kitsap Cnty. Sheriff's Dep't*, 249 F.3d 921, 930 (9th Cir. 2001) ("[T]here is no § 1983 liability for violating prison policy." (quoting *Gardner v. Howard*, 109 F.3d 427, 430 (8th Cir. 1997))). And, as the court correctly found, inmates do not have a constitutional right to visits with minors. *See Overton v. Bazzetta*, 539 U.S. 126, 131 (2003) (providing "freedom of association is among the rights least compatible with incarceration"); *Dunn v. Castro*, 621 F.3d 1196, 1201 (9th Cir. 2010) (recognizing that "Supreme Court and Ninth Circuit precedent clearly established that prisoners do not enjoy an absolute right to receive visits while incarcerated, even from family members."). Thus, we conclude Hull has failed to demonstrate a basis for relief in this respect.[3]

Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Bulla



_____, J.
Gibbons

_____, J.
Westbrook

[3]Insofar as Hull raises arguments that 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. Kristin Luis, District Judge
Roger William Hull
Attorney General/Carson City
Attorney General/Las Vegas
Carson City District Attorney
Carson City Clerk