

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH RICCI,
Appellant,
vs.
JEREMY BEAN, WARDEN
Respondent.

No. 91190-COA

FILED

FEB 10 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Elizabeth A. Brown
DEPUTY CLERK

ORDER AFFIRMING AND DISMISSING APPEAL IN PART

Joseph Ricci appeals from a district court order denying a petition for a writ of habeas corpus filed on April 16, 2024, and a supplement filed on June 18, 2024.¹ Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

In his petition and supplement, Ricci appeared to contend that he was wrongfully charged with a prison violation for the actions of his cellmate, he did not receive the notice of charges until 90 days after the alleged violation occurred, and he pleaded guilty to the charges at the disciplinary hearing under duress. He requested that he be returned to the Veteran's unit, that certain prison officials be retrained, and \$100,000 in damages.

¹Ricci's notice of appeal is timely with respect to the district court's order denying his postconviction habeas petition, *see* NRAP 4(b)(2), and we construe Ricci's appeal as challenging that order. *See Lemmond v. State*, 114 Nev. 219, 220, 954 P.2d 1179, 1179 (1998) (providing that "[t]he notice of appeal is not . . . intended to be a technical trap for the unwary draftsman").

Ricci did not allege that the disciplinary hearing resulted in any additional restraint or custody or the loss of any credits.² Moreover, Ricci did not challenge the judgment of conviction or sentence in his criminal case or the computation of time that he had served pursuant to his judgment of conviction. Thus, we conclude that Ricci's claims fell outside the scope of claims permissible in either a true habeas petition or a postconviction habeas petition and that the district court did not err by denying his petition. See NRS 34.360; NRS 34.720; NRS 34.724(1); see also *Dir., Nev. Dep't of Prisons v. Arndt*, 98 Nev. 84, 85, 640 P.2d 1318, 1319 (1982) (holding habeas corpus relief is not available to a petitioner challenging disciplinary proceedings if the disciplinary hearing did not result in additional restraint or custody or the loss of credits); *McConnell v. State*, 125 Nev. 243, 247, 212 P.3d 307, 310 (2009) (recognizing a postconviction habeas petition is "limited in scope" as outlined in NRS 34.720).

In his notice of appeal, Ricci designates the district court's August 25, 2025, minute order as the subject of the instant appeal. This minute order, which denied several motions related to Ricci's habeas petition, is not effective and cannot be appealed. See *Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987). Additionally, the motions denied by the order were an "emergency motion to vacate dismissal," a "motion to recharacterize petition as a Civil Rights Action under 42 U.S.C. § 1983, for declaratory, injunctive, and monetary relief, and to apply spoliation sanctions," and a "motion in support of petitioner's writ of habeas corpus and claim for damages." "[T]he right to appeal is statutory; where no statutory authority to appeal is granted, no right to appeal exists."

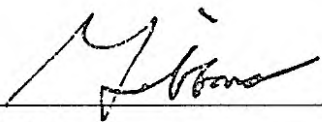
²The district court found that the disciplinary hearing resulted in a verbal reprimand, and this finding is supported by the record.

Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule permits an appeal from an order denying such motions.³ Therefore, this court lacks jurisdiction to the extent Ricci challenges the denial of these motions, and we dismiss this portion of the appeal.

For the foregoing reasons,⁴ we

ORDER the judgment of the district court AFFIRMED AND DISMISS THE APPEAL IN PART.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

³We note that, even if Ricci's "emergency motion to vacate dismissal" were construed as an NRCP 60(b) motion, no statute or court rule permits an appeal from an order denying an NRCP 60(b) motion filed in habeas proceedings. *Cf. Mazzan v. State*, 109 Nev. 1067, 1074-75, 863 P.2d 1035, 1039-40 (1993) (stating that "NRS Chapter 34 anticipates that post-conviction habeas relief will either be granted or denied, and it is clear from its provisions that appeals may be taken from those determinations *only*," and that this court "cannot, in the absence of specific legislative authority permitting us to do so, take jurisdiction over an appeal by selectively grafting civil rules onto rules governing appealability in post-conviction habeas proceedings").

⁴Insofar as Ricci 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. Moreover, we deny Ricci's February 2, 2026, motion to supplement the record on appeal. The district court's January 19, 2026, order denying a motion to stay proceedings pending appeal was filed more than four months after Ricci filed the instant notice of appeal. Thus, that matter is not before this court on appeal.

cc: Hon. Monica Trujillo, District Judge
Joseph N. Ricci
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk