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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES R. BURKE, Appellant, vs. WARDEN NETHANJAH BREITENBACH; DIRECTOR JAMES DZURENDA; D. SOUTHWORTH O.M.O.; CASTRO CCS II; AND STEVES CCS III, Respondents.	No. 91948-COA

ORDER OF AFFIRMANCE

James R. Burke appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on December 16, 2025. Eleventh Judicial District Court, Pershing County; Hon. William A. Maddox, Judge.

In his petition, Burke alleged he had been improperly denied classification to a minimum custody facility. "[A] petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof," and challenges to the level of classification imposed within a prison "speak[ ] only to the conditions of confinement." *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Thus, Burke's claim challenged the conditions of his confinement. As a result, his claim was not cognizable in a postconviction habeas petition. *See* NRS 34.720; NRS 34.724(1); *Bowen*, 100 Nev. at 490, 686 P.2d at 250.

To the extent Burke claimed his classification affected his ability to earn additional credits at a conservation camp pursuant to NRS 209.446(3),

he failed to demonstrate he was entitled to relief.[1] The plain language of NRS 209.446(3) requires an inmate to "participate[ ] in a diligent and responsible manner" in a conservation camp to earn the credits. Here, Burke did not participate in a conservation camp; thus, he was not entitled to credits pursuant to NRS 209.446. *Cf. Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018) (holding that a prisoner who does not work while in prison is not entitled to work credits). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[2]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

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[1]We note Burke exhausted his administrative remedies prior to the filing of this petition. *See* NRS 34.810(2); *Hall v. Oliver*, 141 Nev., Adv. Op. 70, 584 P.3d 161, 164 (Ct. App. 2025) (holding that "NRS 34.724 and 34.810(2) mandates that a postconviction habeas petitioner challenging the computation of time served pursuant to a judgment of conviction must exhaust all available administrative remedies before filing their petition").

[2]The district court dismissed the postconviction habeas petition as procedurally barred because it was a second and successive petition. We conclude this was error, as the claim Burke raised in his petition was not the same claim he previously raised regarding the calculation of his time served. *See Burke v. Breitenback*, No. 90602-COA, 2025 WL 3650106 (Nev. Ct. App. Dec. 16, 2025) (Order of Affirmance). Nevertheless, because the district court reached the correct result, we affirm. *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 was based on the wrong reason).

cc: William A. Maddox, Senior Judge
Attorney General/Carson City
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James R. Burke
Eleventh District Court Clerk