

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILLIP B. HARPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38618

FILED

APR 25 2002

JANE ILE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
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 June 12, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court raising claims relating to his prison disciplinary hearing. The State opposed the petition. On September 19, 2001, the district court denied appellant's petition. This appeal followed.

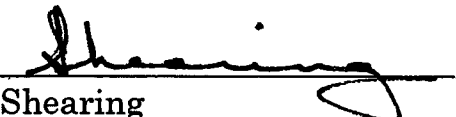
In his petition, appellant contended that his due process rights were violated during his prison disciplinary hearing where he was found guilty of MJ-19, false pretenses, and W-12, attempt. Appellant received 90 days of disciplinary segregation. Specifically, appellant claimed that: (1) he was improperly found guilty because his conduct was pre-authorized and not prohibited by the rules; (2) he was found guilty without being presented and furnished with any evidence against him; (3) he was denied the opportunity to present exculpatory evidence; (4) his conduct did not meet the element of the charges; and (5) the notice of charges contained false and unsubstantiated information.

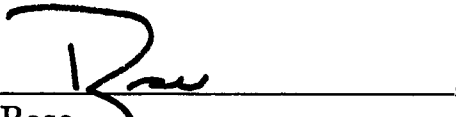
Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Because appellant


challenged only the conditions of confinement, appellant's claims were not cognizable in a petition for a writ of habeas corpus.¹

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.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Phillip B. Harper
Clark County Clerk

¹See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (“We have repeatedly held that a petition for writ of habeas corpus may challenge only the validity of current confinement, but not the conditions thereof.”); see also Sandin v. Conner, 515 U.S. 472 (1995).

²See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.