

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLYNN EDWARD SCOTT A/K/A  
GLENN E. SCOTT,  
Appellant,  
vs.  
GEORGE GRIGAS,  
Respondent.

No. 39195

FILED

OCT 14 2002

JANET M. BLOOM  
CLERK OF SUPREME COURT  
BY: *J. Grigas*  
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 26, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. On January 29, 2002, the district court denied appellant's petition. This appeal followed.

In his petition, appellant challenged matters arising out of two prison disciplinary hearings which resulted in placement in austere housing for 45 days, a move to a different housing unit, termination from his law library job, the loss of ten days of telephone use, the loss of ten days of canteen use, and referral for a loss of statutory good time credit.<sup>1</sup> Specifically, appellant claimed: (1) that the charges in his first disciplinary hearing, MJ-31, unlawful use of mail, and G-15, presence in an unauthorized area, were unfounded and the result of retaliatory acts on

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<sup>1</sup>It is unclear, however, whether appellant actually suffered the loss of any statutory good time credit.

behalf of the prison because appellant was victorious in a civil rights action in federal court, (2) the hearing officer was partial and biased at his first disciplinary hearing because he conducted the hearing alone, he was predisposed to find appellant guilty, he relied on an officer's defective notice of charges, there was no evidence at the hearing to support a finding of guilt, and he denied appellant the right to contest or rebut the evidence against appellant; and (3) his guilty plea at his second prison disciplinary hearing was coerced.

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Appellant's challenge to his placement in austere housing for 45 days, his move to a different housing unit, the termination of his law library job, the loss of ten days of telephone use, and the loss of ten days of canteen use are challenges to the conditions of confinement and "[w]e have repeatedly held that a petition for writ of habeas corpus may challenge the validity of current confinement, but not the conditions thereof."<sup>2</sup> Thus, appellant was not entitled to relief on these claims. It is unclear if appellant actually lost statutory good time credit; however, appellant's challenge of any loss of statutory good time credit is without merit. Appellant's due process rights were not violated at his prison disciplinary hearings.<sup>3</sup> Appellant was given adequate prior notice of the charges for each disciplinary hearing<sup>4</sup>,

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<sup>2</sup>See Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

<sup>3</sup>See Wolff v. McDonnell, 418 U.S. 539, 563-66 (1974); see also Superintendent v. Hill, 472 U.S. 445, 454 (1985).


<sup>4</sup>Appellant pleaded guilty at his second disciplinary hearing. Appellant failed to demonstrate that his guilty plea was coerced.

the disciplinary board did not allow appellant's witness to testify at the hearing but stated that it would stipulate to what the witness was going to testify to, appellant made a statement in his own defense, and the board stated what evidence it relied upon in finding him guilty. The Board's decision was based on some evidence.<sup>5</sup> Thus, appellant was not entitled to relief.

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.<sup>6</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>7</sup>

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

cc: Hon. Michael L. Douglas, District Judge  
Attorney General/Carson City  
Glynn Edward Scott  
Clark County Clerk

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<sup>5</sup>See Hill, 472 U.S. at 454 (1985).

<sup>6</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>7</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.