

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY PAUL MORGAN,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF PRISONS, JACKIE CRAWFORD
AND WARDEN, LOVELOCK
CORRECTIONAL CENTER, CRAIG
FARWELL,
Respondents.

No. 41409

FILED

MAR 05 2004

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. We conclude for the reasons stated in the attached order that the district court did not err in dismissing appellant's habeas corpus petition. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Shearing, C.J.
Shearing

Rose, J.
Rose

Maupin, J.
Maupin

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. John M. Iroz, District Judge
Jeffrey Paul Morgan
Attorney General Brian Sandoval/Carson City
Pershing County Clerk

1 CASE NO. PI 03-382

2 DEPT. NO. 2

FILED

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DISTRICT COURT CLERK

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5 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

6 IN AND FOR THE COUNTY OF PERSHING.

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8 JEFFREY PAUL MORGAN,

9 Petitioner,

10 vs.

ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS

11 JACKIE CRAWFORD, DIRECTOR-
12 NDOC, and CRAIG FARWELL, WARDEN,
13 LOVELOCK CORRECTIONAL CENTER,

14 Respondents.
15 _____/

16 On March 26, 2003, Petitioner Jeffrey Paul Morgan, in proper
17 person, filed his Petition for Writ of Habeas Corpus in this Court.
18 Petitioner is currently incarcerated at the Lovelock Correctional
19 Center, located in Pershing County, Nevada.

20 Petitioner states in his Petition that he is not attacking his
21 Judgment of Conviction or his prison sentence that was rendered by
22 the Third Judicial District Court of Nevada. Rather, Petitioner is
23 challenging his conditions of confinement at the Lovelock
24 Correctional Center. Petitioner contends that his 8th Amendment
25 protection against "Cruel and Unusual Punishment" was violated by
26 reasons of use of excessive force by prison officers, unnecessary
27 injury inflicted by prison officers, and negligent medical care.
28

1 (See Petition p. 5)

2 In a Post-conviction Habeas Corpus action, a prisoner may only
3 challenge the judgment of conviction or sentence in criminal case
4 or the computation of time served pursuant to a conviction. (NRS
5 34.720). A Petition for Writ of Habeas Corpus may challenge the
6 validity but not the conditions of confinement. Bowen v. Warden,
7 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

8 Morgan's Petition does not challenge the validity of the
9 underlying conviction for which he is imprisoned at the Lovelock
10 Correctional Center. Rather, he is challenging the treatment he
11 received by prison personnel after he was allegedly struck by a
12 motorized vehicle while walking on prison property.
13

14 As such, Morgan's Petition is not cognizable in a Habeas
15 Corpus proceeding.

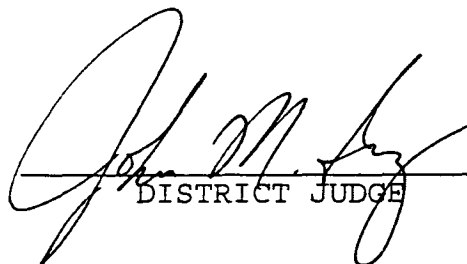
16 GOOD CAUSE APPEARING, therefore, Petitioner's Petition for
17 Writ of Habeas Corpus is HEREBY DISMISSED.

18 IT IS FURTHER ORDERED, that Petitioner's Motion for the
19 Appointment of Counsel, Motion for Temporary Restraining Order and
20 Request for Injunctive Relief are HEREBY DENIED.

21 IT IS SO ORDERED.

22 DATED: April 17, 2003

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DISTRICT JUDGE

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AFFIDAVIT OF MAILING

I, ROSA MARIA SANCHEZ, hereby certify that I am an employee of the Honorable John M. Iroz and that on this 17th day of April 2003, I deposited for mailing, first-class mail, postage prepaid at Winnemucca, Nevada 89445, a copy of the foregoing Order addressed to the following:

Jeffrey P. Morgan, #70263
Lovelock Correctional Center
P.O. Box 359
Lovelock, NV 89419-0359

Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Craig Farwell, Warden
Lovelock Correctional Center
P.O. Box 359
Lovelock, NV 89419

DATED: April 17, 2003



ROSA MARIA SANCHEZ