

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORNE RICHARDSON; DERRICK  
BISHOP; TROY HEFLIN; MICHAEL  
MCCORMICK; GREGORY MILTON,  
AND WILLIAM MORRIS,

Appellants,

vs.

THE STATE OF NEVADA EX REL.  
DEPARTMENT OF CORRECTIONS,  
Respondent.

No. 41729

FILED

APR 08 2004

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order that granted summary judgment to respondent Nevada Department of Corrections (NDOC) in a declaratory relief action. Appellants argue that NDOC's smoking policy is invalid. We have reviewed the arguments and record in this case, and conclude that the district court correctly granted summary judgment to respondent.<sup>1</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

*Shearing*, C.J.  
Shearing

*Rose*, J.  
Rose

*Maupin*, J.  
Maupin

<sup>1</sup>See NRCP 56 (stating that summary judgment is available if there is no genuine dispute over a material fact and the moving party is entitled to judgment as a matter of law); NRS 202.2491(8) (exempting NDOC from state smoking statutes).

<sup>2</sup>Appellants sought leave to appear in proper person. See NRAP 46(b). Although we deny appellants' request, we have considered the proper person documents received from them.

cc: Hon. John M. Iroz, District Judge  
Attorney General Brian Sandoval/Carson City  
Derrick Everett Bishop  
Troy David Heflin Jr.  
Michael McCormick  
Gregory Ronald Milton  
William Morris  
Lorne Douglas Richardson  
Pershing County Clerk