


IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER A. JONES,
Appellant,
vs.
MICHAEL NUSTAD; MARK DRAIN;
E.K. MCDANIEL; BECKY MESSICK;
AND JACKIE CRAWFORD,
Respondents.

No. 42395

FILED

FEB 15 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order granting judgment on the pleadings. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Having reviewed the record and appellant's opening brief,¹ we conclude that the district court did not err.² In particular, the district court properly determined that Counts I, II, III, and IV of appellant's § 1983 complaint were barred because they implicated the validity of appellant's prison disciplinary hearing and the resulting sanctions imposed, when appellant had not demonstrated that the decision reached at the hearing had been invalidated through a habeas corpus proceeding

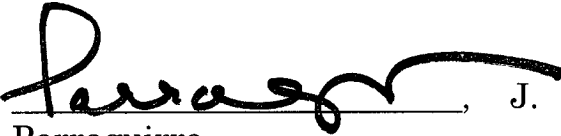
¹We have reviewed all proper person documents received in this appeal, and we deny any relief requested therein as moot in light of this order. See NRAP 46(b).

²See Bonicamp v. Vazquez, 120 Nev. 377, 379, 91 P.3d 584, 585 (2004) (stating that "[a]n order granting judgment on the pleadings under NRCP 12(c) is appropriate only when material facts are not in dispute and the movant is entitled to judgment as a matter of law").

or otherwise.³ Also, with respect to Counts IIA and VI, the harm alleged by appellant—disciplinary segregation, loss of canteen privileges, and failure to submit appellant’s name for a “30-day time cut” reducing appellant’s disciplinary segregation period—is not the type of injury that will support a § 1983 action in the absence of a retaliatory motive, since it is not an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.”⁴ Accordingly, we affirm the district court’s judgment.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); see also Edwards v. Balisok, 520 U.S. 641 (1997) (applying Heck to a prisoner’s challenge to the validity of the prison disciplinary procedures that resulted in the deprivation of his good-time credits).

⁴Sandin v. Conner, 515 U.S. 472, 484 (1995); see also Resnick v. Hayes, 213 F.3d 443, 448 (9th Cir. 2000) (affirming dismissal of § 1983 complaint when there was no allegation that disciplinary segregation was materially different from other discretionary segregation or that it constituted a “major disruption” in appellant’s environment).

cc: Hon. Steve L. Dobrescu, District Judge
Christopher Anthony Jones
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk