

IN THE SUPREME COURT OF THE STATE OF NEVADA

RADFORD DARRELL SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47211

FILED

SEP 06 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's "Petition to Expunge Alleged Escape Conviction From Inmate Disciplinary Files." First Judicial District Court, Carson City; William A. Maddox, Judge.

On January 30, 2006, appellant filed a proper person "Petition to Expunge Alleged Escape Conviction From Inmate Disciplinary Files" in the district court. The State opposed the petition. Appellant filed a response. On April 3, 2006, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that his inmate disciplinary file improperly reflected a disciplinary conviction for a violation of MJ 47 (escape). Our review of the record on appeal reveals that the district court did not err in denying the petition. Appellant improperly filed the petition in the closed district court case in which he

was acquitted of attempted escape.¹ Accordingly, we affirm the order of the district court.

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

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. William A. Maddox, District Judge
Radford Darrell Smith
Attorney General George Chanos/Carson City
Carson City Clerk

¹It is improper to challenge the prison disciplinary hearing in the district court case that arose from the prison disciplinary action. Any such petition must be filed as a separate action.

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

³We deny appellant's motion to appoint counsel.