

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, HOWARD
SKOLNIK,
Respondent.

No. 51939

FILED

OCT 28 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; John M. Iroz, Judge.

On June 17, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On that same date, the district court denied the petition. This appeal followed.

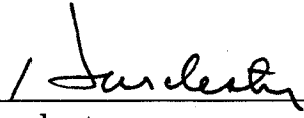
In his petition, appellant claimed that sanctions imposed prior to and after a prison disciplinary hearing violated his constitutional rights. The sanctions included classification changes, a change in custody status, and a transfer to a more restrictive prison environment.

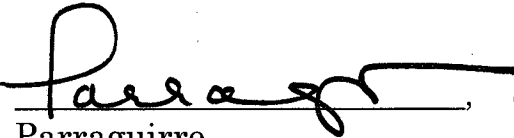
The district court denied the petition on the ground that the petition challenged the conditions of confinement and that type of challenge was not permissible in a petition for a writ of habeas corpus. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. This court has "repeatedly held that a petition for [a] writ of habeas corpus may challenge

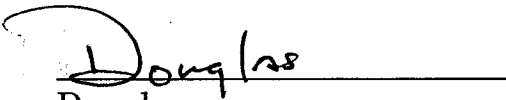
the validity of current confinement, but not the conditions thereof."¹ Appellant's challenge to his classification, his custody status and transfer to another institution was a challenge to the condition of his confinement. Thus, appellant's challenge was not cognizable, and we affirm the order of the district court denying the petition.

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.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

¹Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484 (1995) (holding that liberty interests protected by the Due Process Clause will generally be limited to freedom from restraint which imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life).

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

cc: Hon. John M. Iroz, District Judge
Steven Floyd Voss
Attorney General Catherine Cortez Masto/Carson City
Pershing County Clerk