

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY MCLEMORE,

No. 34779

Appellant,

vs.

WARDEN, NEVADA STATE PRISON, JOHN
IGNACIO,

FILED

Respondent.

JAN 16 2001

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus.

On January 5, 1999, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State opposed the petition. On August 6, 1999, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that his due process rights were violated at his October 1, 1998 prison disciplinary hearing. At the conclusion of the October 1, 1998 prison disciplinary hearing, the prison disciplinary committee found appellant guilty of a major violation, making threats, and punished appellant by placement in disciplinary detention and disciplinary segregation. Appellant argued that he was deprived of the right to present witnesses, that the prison disciplinary committee improperly relied on a confidential informant, and that there was insufficient evidence to support a finding of guilt. Further, appellant argued that the warden failed to correct the errors after he had appealed the prison disciplinary committee's decision to the warden.

We conclude that the district court did not err in denying appellant's petition. Because appellant challenged only the conditions of confinement, appellant's claims were not cognizable in a petition for a writ of habeas corpus. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) ("We have repeatedly held that a petition for writ of habeas corpus may

challenge the validity of current confinement, but not the conditions thereof."); see also Sandin v. Conner, 515 U.S. 472 (1995).

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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we affirm the order of the district court.

It is so ORDERED.¹

Young J.
Young
Rose J.
Rose
Becker J.
Becker

cc: Hon. William A. Maddox, District Judge
Attorney General
Carson City District Attorney
Danny McLemore
Carson City Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.