

IN THE SUPREME COURT OF THE STATE OF NEVADA

DURWIN ALLEN,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 57712

**FILED**

**JUL 15 2011**

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.<sup>1</sup> Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

In his petition, filed on September 16, 2010, appellant challenged a prison disciplinary hearing which resulted in appellant's placement in disciplinary segregation, a verbal reprimand, and an order to pay restitution. Although appellant was referred for forfeiture of credits, appellant did not actually forfeit any credits. Because appellant did not lose any credits, appellant's claims challenged the conditions of confinement, and thus, were not cognizable in a petition for a writ of habeas corpus filed in state court.<sup>2</sup> Bowen v. Warden, 100 Nev. 489, 490,

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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

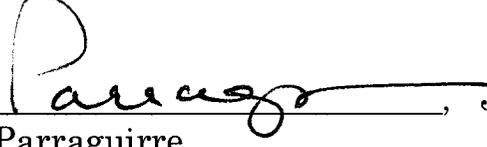
<sup>2</sup>To the extent appellant argued that his placement in disciplinary segregation hindered his ability to earn future good time credits, the  
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686 P.2d 250, 250 (1984); see also Sandin v. Conner, 515 U.S. 472, 484 (1995). Therefore, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Dan L. Papez, District Judge  
Durwin Allen  
Attorney General/Carson City  
White Pine County Clerk

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*... continued*

existence of any such credits was speculative. Accordingly, appellant failed to demonstrate the forfeiture of any credits actually earned.