

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL WAYNE KAPETAN,  
Appellant,  
vs.  
JACK PALMER, WARDEN,  
Respondent.

No. 60398

**FILED**

SEP 12 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order dismissing a post-conviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; Deborah A. Agosti, Senior Judge.

In his petition filed on November 17, 2011, appellant asserted that he was wrongly being held in medium custody. Having reviewed the record on appeal, we conclude that the record supports the decision of the district court to deny relief and that the district court did not err as a matter of law. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). We therefore affirm the dismissal of the petition for the reasons stated in the attached district court order. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Parraguirre, J.  
Parraguirre

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

cc: Chief Judge, First Judicial District Court  
Hon. Deborah A. Agosti, Senior Justice  
Daniel Wayne Kapetan  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk