

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAX REED, II,
Appellant,

vs.

WARDEN, MRS. RENEE BAKER; AND
ASSOCIATE WARDEN OF PROGRAMS,
MR. WATSON, CASE WORKER,
NEVADA DEPARTMENT OF
CORRECTIONS OFFENDERS
MANAGEMENT DIVISION,
Respondents.

No. 63488

FILED

JAN 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

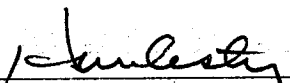
In his petition filed on February 1, 2013, appellant claimed that he was improperly held at Ely State Prison in close custody, that close custody inmates at Ely State Prison are not treated properly, and that he was unable to earn as many credits as inmates similarly classified at Lovelock Correctional Center because he is unable to earn work credits.

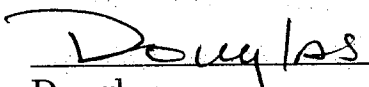
We conclude that the district court properly denied the petition. Appellant's claims regarding his custody level and housing at a

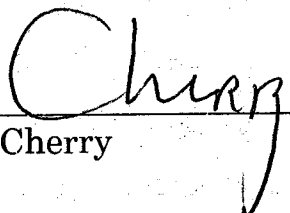
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

particular correctional facility challenge the conditions of his confinement. 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." *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). In addition, appellant had no right to employment while in prison, and therefore, appellant cannot demonstrate that lack of employment and opportunity to earn statutory work credits stemming from his classification as close custody and housing at Ely State Prison violated any protected right. See NRS 209.461(1), (6); *Collins v. Palczewski*, 841 F. Supp. 333, 336-37 (D. Nev. 1993) (recognizing that a prisoner has no independent constitutional right to employment and that the Nevada statutes do not mandate employment). Consequently, appellant's challenge to the condition of his confinement was not cognizable in a petition for a writ of habeas corpus. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, J.
Hardesty

, J.
Douglas

, J.
Cherry

cc: Hon. Steve L. Dobrescu, District Judge
Max Reed, II
Attorney General/Ely
White Pine County Clerk