

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOEL ALLEN,
Appellant,
vs.
WARDEN, NEVADA STATE PRISON,
E.K. MCDANIEL,
Respondent.

No. 36294

NOEL ALLEN,
Appellant,
vs.
WARDEN, NEVADA STATE PRISON,
E.K. MCDANIEL,
Respondent.

No. 36295

FILED

MAR 14 2002

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Docket Nos. 36294 and 36295 are proper person appeals from orders of the district court denying appellant's post-conviction petitions for writs of habeas corpus. We elect to consolidate these appeals for disposition.¹

Docket No. 36294

On January 13, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus raising claims relating to his prison disciplinary hearings. The State opposed the petition.

¹See NRAP 3(b).

Appellant filed a reply. On April 25, 2000, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant claimed that his due process and equal protection rights had been violated during approximately six prison disciplinary hearings dating back to 1993 where he was referred for the loss of statutory good time credits and/or placed in disciplinary segregation. Appellant argued that he was denied the right to call witnesses, denied the right to present exculpatory evidence, and that the disciplinary committee improperly relied on "bogus reports" and unreliable confidential informant statements to find him guilty. Further, he claimed that white inmates do not experience such violations of their due process and equal protection rights during their disciplinary hearings.

We conclude that the district court did not err in denying appellant's petition. Appellant failed to demonstrate that his equal protection or due process rights were violated at his disciplinary hearings.² Appellant was given advanced written notice of all of his charges before the disciplinary hearings, adequate reasons were given by the disciplinary committee for refusing to call certain witnesses, he was allowed to present evidence, and there were written statements as to the evidence relied on by the disciplinary committee. Moreover, to the extent that appellant challenges the conditions of his confinement, such challenges are not

²See Wolff v. McDonnell, 418 U.S. 539 (1974); Superintendent v. Hill, 472 U.S. 445 (1985).

cognizable in a petition for a writ of habeas corpus.³ Thus, appellant is not entitled to relief and we affirm the order of the district court.

Docket No. 36295

On February 3, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court raising issues relating to his prison disciplinary hearing where he lost 119 days statutory good time credits. On April 25, 2000, the district court denied the petition. This appeal followed.

In his petition appellant argued that his due process and equal protection rights were violated. Appellant claimed that he received an unfair and biased prison disciplinary hearing because the disciplinary committee consisted of a biased chairman and committee. We conclude that the district court did not err in denying appellant's petition. Appellant was afforded due process at the disciplinary hearing.⁴ Appellant was given notice of the charges against him, he was allowed to present evidence at the disciplinary hearing, and there was a written statement as to the evidence the disciplinary committee relied on to find

³See 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).


⁴See Wolff v. McDonnell, 418 U.S. 539 (1974); Superintendent v. Hill, 472 U.S. 445 (1985).

appellant guilty of the charges against him. Thus, appellant is not entitled to relief and we affirm the order of the district court.


Conclusion

Having reviewed the records 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.⁵ Accordingly, we

ORDER the judgments of the district court AFFIRMED.⁶


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. Steve L. Dobrescu, District Judge
Attorney General/Carson City
Noel Allen
White Pine County Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

⁶We have considered all proper person documents filed or received in these matters, and we conclude that the relief requested is not warranted.