


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MOHAMED ABDALLA MAHMOUD,
Appellant,
vs.
NNCC'S WARDEN KYLE OLSEN,
Respondent.

No. 85785-COA

FILED

JUN 13 2023

ELIZABETH A. BROWN
CLERK OF DISTRICT COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Mohamed Abdalla Mahmoud appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on September 19, 2022. First Judicial District Court, Carson City; James E. Wilson, Judge.

Mahmoud argues that the district court erred by dismissing his petition without considering his challenge to prison disciplinary proceedings that Mahmoud alleged resulted in the loss of good-time credits. Mahmoud contends that the district court erred by finding his claims had already been raised and rejected in a separate postconviction matter.

When a prison disciplinary hearing results in the loss of statutory good-time credits, a prisoner's right to due process may be violated if the proceedings are not conducted in an appropriate manner. *See Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974). In addition, an "order that finally disposes of a petition . . . must contain specific findings of fact and conclusions of law supporting the decision of the court." NRS 34.830(1). Furthermore, NRAP 4(b)(5)(B) provides, "The judgment or order in any postconviction matter must contain specific findings and conclusions of law supporting the district court's decision."


In his petition, Mahmoud challenged a disciplinary hearing that he asserted resulted in the loss of good-time credits, and he contended that his Constitutional rights were violated during the disciplinary proceedings. The State moved to dismiss Mahmoud's petition and argued that he had raised similar claims in a petition filed on October 6, 2022, in a different district court case [October petition], and it attached to its motion the October petition. However, in the October petition, Mahmoud challenged his classification and assignment in protective custody, the Nevada Department of Corrections' rules and regulations for placement of an inmate in protective custody, and his housing in administrative segregation. Mahmoud did not challenge the prison disciplinary proceedings in the October petition.

Despite the differences between the claims raised in Mahmoud's petitions, the district court entered an order dismissing the petition because his claims had already been considered and rejected. This was error. Because the district court's order does not contain findings of fact and conclusions of law related to Mahmoud's claims challenging the disciplinary proceedings, we reverse the district court's order and direct it to consider Mahmoud's challenges to the disciplinary proceedings and his allegations concerning violations of his right to due process.

Mahmoud also appears to argue that the district court was biased against him because it dismissed his petition. We conclude that relief is unwarranted because Mahmoud has not demonstrated that it was based on knowledge acquired outside of the proceedings and the decision does not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 12, 506 P.3d 334, 337 (2022) (internal quotation

marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev., Adv. Op. 1, 501 P.3d 980, 984 (2022). Therefore, Mahmoud is not entitled to relief based on this claim. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

¹In light of our decision to reverse the district court’s order and remand for further proceedings, we need not consider Mahmoud’s additional claims.

cc: Hon. James E. Wilson, District Judge
Mohamed Abdalla Mahmoud
Attorney General/Carson City
Carson City Clerk