

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN HDSP,  
Respondent.

No. 86766-COA

FILED

JAN 18 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Elvin Turner appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on October 12, 2022. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

Turner argues the district court erred by denying his postconviction petition where he challenged a prison disciplinary hearing. In his petition, Turner claimed his due process rights were violated at a prison disciplinary hearing that resulted in loss of privileges and a post-disciplinary reclassification. Turner's claims challenging the prison disciplinary proceedings were not cognizable in a petition for a writ of habeas corpus filed in state court because Turner did not lose any credits and the claims challenged the conditions of confinement. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Therefore, we conclude the district court did not err by dismissing Turner's postconviction petition.


Turner also argues the district court erred by denying his "motion for order clerk to correct clerical error." The district court did not deny this motion before denying Turner's postconviction petition.

Therefore, the denial of this motion is not part of the record on appeal, and we decline to consider it. See NRS 177.015(3) ("The defendant may only appeal from a final judgment or verdict in a criminal case."); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Adriana Escobar, District Judge  
John Elvin Turner  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We have reviewed all documents Turner has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Turner attempts to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance. See *McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).