

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASEY JONES SHAW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45440

FILED

AUG 24 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On June 18, 2004, the district court convicted appellant, pursuant to a guilty plea, of attempted possession of a firearm by an ex-felon. The district court sentenced appellant to serve a term of twelve to thirty months in the Nevada State Prison. No direct appeal was taken.

On August 5, 2004, appellant filed a proper person motion to withdraw the guilty plea in the district court. On August 31, 2004, the district court denied the motion. No appeal was taken.

On August 31, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On November 18, 2004, the district court summarily denied the petition. No appeal was taken.

On November 17, 2004, appellant filed a second proper person post-conviction petition for a writ of habeas corpus in the district court. On March 14, 2005, the district court denied the petition. No appeal was taken.

On March 8, 2005, appellant filed a third proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On May 19, 2005, the district court denied appellant's petition. This appeal followed.

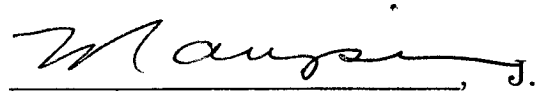
Appellant's petition was an abuse of the writ because he had previously filed two post-conviction petitions for a writ of habeas corpus, and he raised new or different claims for relief in the March 2005 petition.¹ Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.² Appellant did not attempt to demonstrate good cause for his procedural defects. Therefore, we conclude that the district court did not err in determining that appellant's petition was procedurally barred.

¹See NRS 34.810(2).

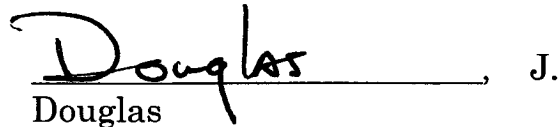
²See NRS 34.810(3).

Having reviewed the record 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.³ Accordingly, we

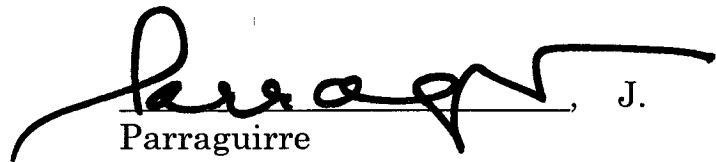
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Douglas

 J.

Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Casey Jones Shaw
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).