

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAUDE F. HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53931

FILED

MAR 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
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 Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Appellant filed his petition on February 9, 2009, approximately seventeen years after this court issued the remittitur from his direct appeal on September 22, 1992.² Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus.³ See NRS 34.810(1)(b)(2); NRS 34.810(2). To the extent appellant raised claims that were new and different from those raised in his previous petitions, those claims were an abuse of the writ. See NRS 34.810(2). Appellant's petition was procedurally barred absent 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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²See Hudson v. State, 108 Nev. 716, 837 P.2d 1361 (1992)

³This court dismissed appellant's appeal from the district court's denial of that petition as untimely. Hudson v. State, Docket No. 24815 (Order Dismissing Appeal, November 5, 1993).

demonstration of good cause and prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

To the extent appellant claimed that the imposition of the deadly weapon enhancement was invalid, appellant failed to demonstrate good cause for his delay in raising this claim. See Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Therefore, the district court did not err in denying this portion of appellant's petition.

To the extent appellant challenged the computation of time served, as well as the procedure of certain prison disciplinary proceedings, these claims should have been raised in a petition for a writ of habeas corpus filed in the county in which appellant is incarcerated. NRS 34.738(1). Therefore, the district court did not err in dismissing this portion of appellant's petition without prejudice. See NRS 34.738(3). Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

⁴We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Jackie Glass, District Judge
Claude F. Hudson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk