

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD C. IDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54059

FILED

MAR 11 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a second post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Appellant's petition filed in the district court on December 26, 2008, was an abuse of the writ because he raised new and different claims from those litigated in appellant's first petition.² NRS 34.810(2). Therefore, appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. NRS 34.810(3).

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).

²The first petition was filed in the district court on June 25, 2008, and denied by the district court on October 21, 2008. Notice of entry of the order was served on November 3, 2008. No appeal was taken from the denial of the first petition.

Appellant did not attempt to demonstrate good cause for filing a second petition. The claims raised in the petition could have been raised in the first petition. Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Therefore, we affirm the order of the district court denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Jackie Glass, District Judge
Richard C. Iden
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk