

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY RANSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54632

FILED

MAY 10 2010

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
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; Michael Villani, Judge.

Appellant filed his petition on May 29, 2009, more than two years after this court issued the remittitur from his direct appeal. 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.² 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

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).

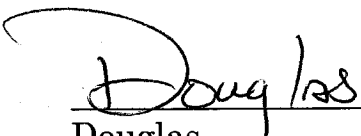
²See Ransey v. State, Docket No. 52033 (Order of Affirmance, February 10, 2009).

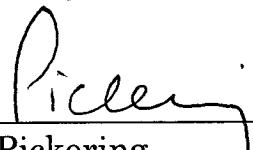
procedurally barred absent a demonstration of good cause and prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

In an attempt to excuse the procedural defaults, appellant appears to have claimed that he did not receive his case file from his trial counsel. Trial counsel's failure to send appellant his case file did not provide good cause to excuse his untimely filing. See Hood v. State, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995). Further, appellant previously filed a post-conviction petition for a writ of habeas corpus and failed to demonstrate good cause for filing a successive petition. See Darnell v. State, 98 Nev. 518, 520-21, 654 P.2d 1009, 1011 (1982). Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Michael Villani, District Judge
Anthony Ransey
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk