

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLYDE H. MEANS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54684

FILED

MAY 07 2010

TRACIE 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 Fifth Judicial District Court, Nye County; John P. Davis, Judge.

Appellant filed his petition on May 6, 2009, approximately fifteen months after this court issued the remittitur in his direct appeal. Means v. State, Docket No. 49865 (Order of Affirmance, January 9, 2008). Thus appellant's petition was untimely filed, and was procedurally barred absent a demonstration of good cause for appellant's delay and actual prejudice. See NRS 34.726(1).

Appellant failed to demonstrate an impediment external to the defense existed to establish good cause for his delay in filing his petition.

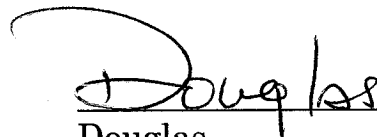
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


See Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. John P. Davis, District Judge
Clyde H. Means
Attorney General/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk

²We 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.