

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS ORTIZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54786

**FILED**

MAY 10 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.<sup>1</sup> Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant filed his petition on June 1, 2009, more than one year after the judgment of conviction was filed on May 21, 2008.<sup>2</sup> Thus, appellant's petition was untimely filed. See NRS 34.726(1); Gonzales v. State, 118 Nev. 590, 593, 53 P.3d 901, 902-03 (2002). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice. See NRS 34.726(1). Appellant did not attempt to demonstrate

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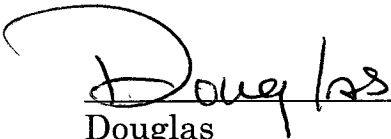
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


<sup>2</sup>No direct appeal was taken.

cause for the delay. Therefore, the district court did not err in denying the petition as procedurally time-barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. David B. Barker, District Judge  
Carlos Ortiz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk