

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACINTO CHAVEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55263

FILED

MAY 07 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.<sup>1</sup> Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

Appellant filed his petition on June 11, 2009, more than three years after entry of the judgment of conviction on March 22, 2006. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id.

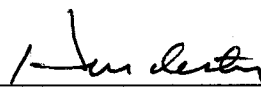
In an attempt to demonstrate good cause, appellant claimed that he had no help and poor assistance. Poor assistance from inmate law clerks and lack of legal knowledge are not good cause. Phelps v. Director, Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). To the extent that appellant argued that his trial counsel's failure to file a direct appeal

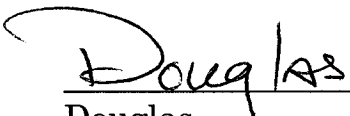
---


<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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

constituted good cause, appellant failed to demonstrate that this would provide good cause as he did not allege that he had asked trial counsel to file an appeal, that he believed an appeal had been filed, and that he filed his petition in a reasonable time after learning that no appeal had been filed. Hathaway v. State, 119 Nev. 248, 254-55, 71 P.3d 503, 507-08 (2003). Having concluded that the district court did not err in denying the petition as procedurally barred, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

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

cc: Hon. Jennifer Togliatti, District Judge  
Jacinto Chavez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>2</sup>We 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.