

IN THE SUPREME COURT OF THE STATE OF NEVADA

JARVIS LOWE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55294

**FILED**

JUN 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 writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant filed his petition on September 22, 2009, more than a year after this court's July 8, 2008, issuance of the remittitur from his direct appeal. See Lowe v. State, Docket No. 49906 (Order of Affirmance, June 13, 2008). Appellant's petition was therefore untimely filed and procedurally barred absent a demonstration of good cause and prejudice. See NRS 34.726(1). Appellant did not attempt to demonstrate good cause

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

to excuse his procedural infirmities. We therefore conclude the district court did not err in denying appellant's petition and, accordingly,

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

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