

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUENIT MORENO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55474

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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; Donald M. Mosley, Judge.

Appellant filed his petition on October 22, 2009, more than two years after the judgment of conviction was entered on August 28, 2007.² 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.

Appellant argued that he had good cause because of an alleged language barrier. He claimed he did not have adequate access to qualified interpreters, persons trained in the law, and resources in his native language of Spanish. Appellant failed to demonstrate that an impediment

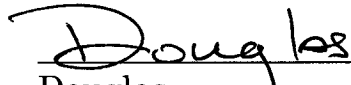
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²No direct appeal was taken.

external to the defense excused his delay. Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Appellant failed to demonstrate that the prison interfered with his ability to file a petition.³ See id.; Phelps v. Director, Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, J.
Hardesty

, J.
Douglas

, J.
Pickering

cc: Hon. Donald M. Mosley, District Judge
Quenit Moreno
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We note that the transcript of appellant's interview with the police indicates that appellant spoke and understood English, belying his claim to the contrary.