

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS ANDREW DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55855

FILED

SEP 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing appellant Thomas Andrew Davis's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Davis contends that (1) the district court abused its discretion by finding that he did not demonstrate good cause and prejudice for the delay in filing the petition, (2) his guilty plea was invalid, (3) defense counsel was ineffective, and (4) his sentence is excessive. Davis claimed that his petition was filed late because his grounds for relief were "intertwined" with the issues raised on appeal in another case and were not available before that appeal was denied. We conclude that Davis failed to demonstrate that an impediment external to the defense prevented him from complying with procedural default rules and the district court properly dismissed his untimely habeas petition. See NRS 34.726(1); Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

Accordingly, we decline to address Davis's remaining contentions and we
ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Karla K. Butko
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk