

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL CASAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55862

FILED

NOV 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Cherry*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing appellant Manuel Casas' untimely post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael P. Villani, Judge.

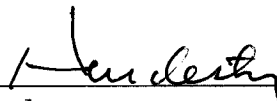
Casas filed his petition on March 5, 2008, more than a year after the entry of the judgment of conviction. The district court dismissed the petition as procedurally barred. On appeal, we reversed the district court's order because the district court failed to conduct an evidentiary hearing on Casas' claim that he was denied access to legal resources by prison officials. Casas v. State, Docket No. 51760 (Order of Reversal and Remand, June 3, 2009). On remand, the district court held an evidentiary hearing, entered findings of fact and conclusions of law, and again dismissed the petition. This appeal followed.

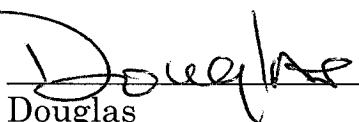
Casas contends that his lack of access to the prison's law library and legal assistance program demonstrates good cause to excuse the delay in filing his petition. The district court found that Casas had ample opportunity to access the prison's law library and the prison law clerks. Casas has not demonstrated that the district court abused its


discretion by finding that he failed to establish good cause to excuse the untimely filing of his petition, and we therefore affirm the dismissal of his petition. See Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

Casas also contends that (1) the prison's law library and legal assistance program must be inadequate because he failed to satisfy a technical requirement mandated by the Nevada Legislature and (2) trial counsel's failure to provide him with his case files in a timely manner constitutes good cause to excuse the delay in filing his petition. However, Casas did not raise these contentions in the court below and we decline to consider them here. See Davis v. State, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), overruled on other grounds by Means v. State, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Michael P. Villani, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Office of Betsy Allen
Eighth District Court Clerk