

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN JACOBO GARCIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56137

**FILED**

**MAR 29 2011**

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 dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.<sup>1</sup>

Appellant filed his petition on March 11, 2009, more than five years after entry of the original judgment of conviction and sentence on December 30, 2003, and more than one year after entry of the second amended judgment of conviction on November 30, 2007. 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 NRS 34.726(1).

Appellant failed to demonstrate any impediment external to the defense to establish good cause for his delay in filing his petition. See

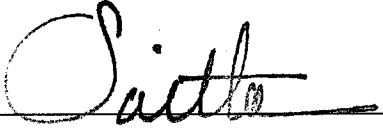
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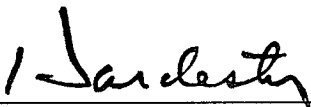
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

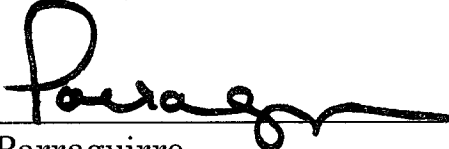
Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Juan Jacobo Garcia  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk