

IN THE SUPREME COURT OF THE STATE OF NEVADA


STEPHAN GRIGORIAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56154

FILED

NOV 08 2010

ORDER OF AFFIRMANCE

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

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

Grigorian contends that the district court abused its discretion by dismissing his petition. The district court found that Grigorian's petition was procedurally barred because it was both untimely and successive, his statement of good cause was conclusory and failed to specify any fact demonstrating good cause, he failed to establish good cause and demonstrate prejudice sufficient to overcome the procedural defects, and his double jeopardy claim did not constitute a claim of actual innocence. See NRS 34.726(1); NRS 34.735; NRS 34.810(2); Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); Evans v. State, 117 Nev. 609, 621, 28 P.3d 498, 507 (2001). On appeal, Grigorian does not challenge the district court's determination that his petition was procedurally barred, rather he reargues the merits of the claims raised in his petition. We

conclude that the district court did not err by dismissing Grigorian's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.¹

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

¹Because the petition was procedurally barred, we do not address Grigorian's challenges to the merits of his claims.