

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS HENRY LEWIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57050

FILED

MAY 09 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingerson*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

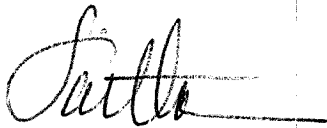
In his petition, filed on July 22, 2010, appellant claimed that the trial court abused its discretion when it directed appellant's standby counsel not to assist appellant in subpoenaing witnesses and when the trial court failed to declare a mistrial upon discovering juror misconduct. These claims were decided on their merits on direct appeal, Lewis v. State, Docket No. 52740 (Order of Affirmance, February 3, 2010), and are therefore barred by the doctrine of the law of the case. Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). We therefore conclude that the district court did not err in denying these claims.

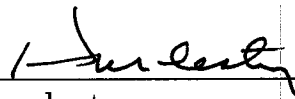
---

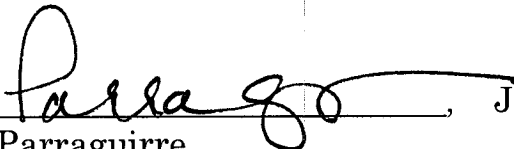
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant also raised claims challenging the sufficiency of the trial court's canvass pursuant to Faretta v. California, 422 U.S. 806 (1975). Appellant's claims could have been raised in his direct appeal. NRS 34.810(1)(b)(2). Appellant's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. NRS 34.810(1)(b). Appellant failed to allege good cause or demonstrate actual prejudice, and we therefore conclude that the district court did not err in denying these claims as procedurally barred. Accordingly, we

ORDER the judgment of the district court **AFFIRMED**.

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Thomas Henry Lewis  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk