

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID OWENS HOOPER,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 57130

FILED

MAR 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Mod
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.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition, filed on February 18, 2010, appellant set forth a list of claims that challenged the conduct of the district court judge, the prosecutor, and this court. Each of appellant's claims could have been raised in his direct appeal.² NRS 34.810(1)(b)(2). Appellant's petition was therefore procedurally barred absent a demonstration of cause and actual prejudice. NRS 34.810(1)(b). Appellant made no cogent argument of

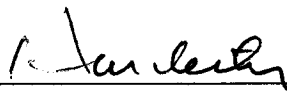
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²See Hooper v. State, Docket No. 49575 (Order of Affirmance, March 4, 2009).

cause or actual prejudice,³ and we therefore conclude that the district court did not err in denying his claims as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

³To the extent that appellant's references to "ineffective assistance of counsel" at trial could be construed as arguments for cause, a defendant who represented himself at trial will not be heard to complain that he was ineffective. Bridges v. State, 116 Nev. 752, 769, 6 P.3d 1000, 1012 (2000). To the extent that appellant's petition could be construed as claiming that ineffective assistance of appellate counsel provided cause, his blanket statement is a bare, naked claim that does not entitle appellant to relief because he failed to identify which issues counsel should have raised on direct appeal or to state any facts that would demonstrate a reasonable probability of success on appeal. Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1114 (1996); Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

⁴We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Steve L. Dobrescu, District Judge
David Owens Hooper
Attorney General/Ely
White Pine County Clerk