

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAUL G. LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57170

FILED

APR 06 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 denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

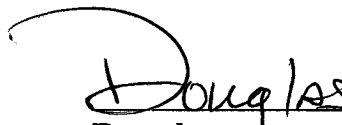
Appellant filed his petition on May 14, 2010, almost 4 years after entry of the judgment of conviction on June 21, 2006. Thus, appellant's petition was untimely filed. NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. Id.


Appellant argued that he had cause for the delay because he was in segregated custody and without help until recently and because he did not have the mental capacity to pursue post-conviction remedies. Appellant failed to demonstrate that an impediment external to the defense excused his delay. Hathaway v. State, 119 Nev. 248, 252, 71 P.3d

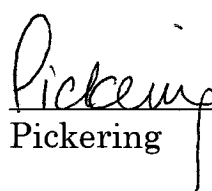
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

503, 506 (2003). Appellant failed to allege that the facility did not have procedures in place or that the procedures were inadequate to provide help for inmates in segregated custody. Appellant failed to demonstrate that any mental issues prevented him from filing a timely petition. Phelps v. Director, Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Moreover, appellant failed to demonstrate that he would be unduly prejudiced because he failed to demonstrate that his trial counsel was ineffective or that his plea was invalid.² See NRS 34.726(1); Hill v. Lockhart, 474 U.S. 52, 58-9 (1985); State v. Freese, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000); Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996); Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Therefore, we conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, C. J.
Douglas

 _____, J.
Gibbons

 _____, J.
Pickering

²To the extent that appellant raised any claims independently of his claims of ineffective assistance of counsel and his claim challenging the validity of the plea, those claims were not cognizable in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. NRS 34.810(1)(a).

cc: Hon. Jackie Glass, District Judge
Saul G. Lopez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk