

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN ANTHONY HAAG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57296

FILED

MAY 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a “motion to strike.”¹ Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

In his motion filed on June 17, 2010, appellant claimed that his trial counsel was ineffective. Given the nature of the relief sought, we conclude that the district court correctly construed the motion as a post-conviction petition for a writ of habeas corpus. See NRS 34.724(2)(b).


As the motion was filed on June 17, 2010, almost seven years after entry of the judgment of conviction on November 20, 2003, it was untimely.² See NRS 34.726(1). Moreover, the motion was successive because appellant had previously filed a post-conviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised

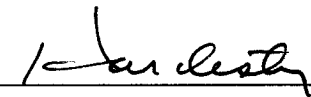
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

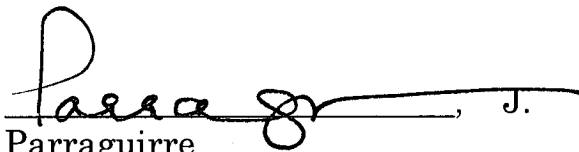
²No direct appeal was taken.

claims new and different from those raised in his previous petition.³ See NRS 34.810(2). The motion was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Appellant did not attempt to demonstrate good cause, therefore, the district court did not err in denying the motion as procedurally barred.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

³Haag v. State, Docket No. 47924 (Order of Affirmance, February 28, 2007).

⁴Although the district court correctly observed that the motion was not in substantial compliance with the form set forth in NRS 34.735, those defects were curable. See Miles v. State, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004).

⁵We 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. Connie J. Steinheimer, District Judge
Steven Anthony Haag
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk