

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY KNOX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58859

FILED

NOV 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
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 Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant filed his petition on May 5, 2011, more than two years after entry of the judgment of conviction on April 10, 2009.² The district court denied the petition as procedurally time barred and without good cause.

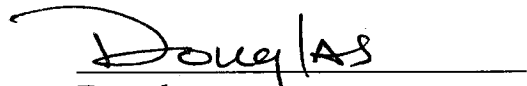
In his petition, which challenged the validity of his judgment of conviction, appellant appeared to argue that his petition was timely filed as it was submitted within one year of the August 12, 2010 order revoking probation. We conclude that the district court did not err in rejecting this argument as the time for filing his petition began upon entry

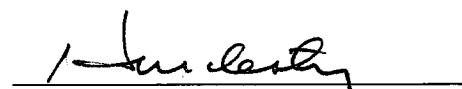
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

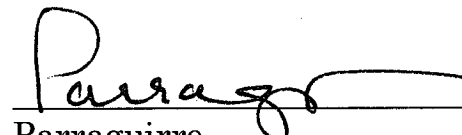
²Appellant did not file a direct appeal.

of the judgment of conviction. NRS 34.726(1). Appellant's petition filed more than one year after the deadline was late, and appellant failed to provide any statement of good cause.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Janet J. Berry, District Judge
Timothy Knox
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

³The order revoking probation does not provide good cause in the instant case because appellant did not challenge the revocation of his probation. See Sullivan v. State, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

⁴In addition to concluding that appellant failed to demonstrate cause for the delay, the district court determined that the claims raised in the petition lacked merit, and thus, appellant failed to demonstrate that he was unduly prejudiced by the denial of his petition as procedurally barred. We need not reach the issue of the merits of the claims raised in the petition because appellant failed to provide any valid argument that he had cause for the delay.