

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO MARIN-SALAZAR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58919

FILED

JAN 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingo*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

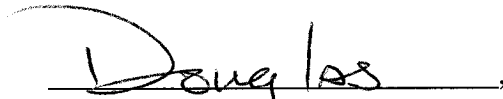
Appellant filed his petition on August 5, 2008, almost four years after entry of the judgment of conviction on October 21, 2004. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id. Appellant did not attempt to demonstrate cause for the delay.² To the extent that appellant claimed that his attorney's failure to provide him with transcripts provided good cause, appellant failed to demonstrate that this alleged failure established


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).

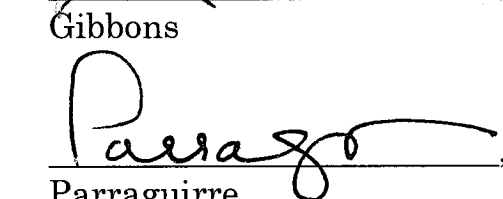
²The October 12, 2006 order revoking probation does not provide good cause in the instant case because appellant did not challenge the revocation of his probation. See Sullivan v. State, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

good cause as he failed to identify the transcripts or indicate how the lack of transcripts prevented him from filing a timely petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Mario Marin-Salazar
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk