

IN THE SUPREME COURT OF THE STATE OF NEVADA

CEVIN BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59016

**FILED**

MAY 09 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

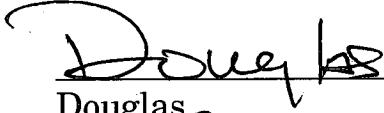

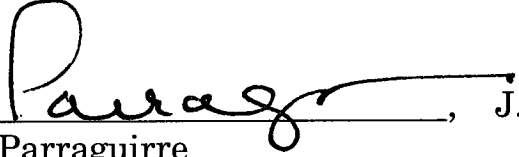
Appellant filed his petition on December 10, 2010. Appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>2</sup> See NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(3).

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<sup>1</sup>This 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).

<sup>2</sup>Brown v. State, Docket No. 58705 (Order of Affirmance, December 7, 2011).

Appellant failed to allege good cause and prejudice to overcome the procedural bars. Therefore, the petition was procedurally barred, and the district court did not err in denying it.<sup>3</sup> Accordingly, we ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, J.  
Douglas  
 \_\_\_\_\_, J.  
Gibbons  
 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge  
Cevin Brown  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>3</sup>Although the district court erred by reaching the merits of the claims, we nevertheless affirm the district court's decision for the reason discussed above. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).