

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59017

FELTON L. MATTHEWS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59247

FILED

JAN 18 2012

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

ORDER OF AFFIRMANCE

These are proper person appeals from an order denying a “motion to compel discovery, or alternatively, correction [of] constitutionally invalid sentence” and an order denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. We elect to consolidate these appeals for disposition. NRAP 3(b)(2).

Docket No. 59017

In his June 13, 2011 “motion to compel discovery, or alternatively, correction constitutionally invalid sentence” appellant

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

raised claims that fell outside the scope of claims permissible in a motion to correct an illegal sentence, see Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996), or claims barred by the doctrine of the law of the case. Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, we conclude that the district court did not err in denying the motion, and we affirm the order of the district court.²

Docket No. 59247


Appellant filed his petition on August 2, 2011, almost eight years after issuance of the remittitur on direct appeal on August 5, 2003. Matthews v. State, Docket No. 39717 (Order of Affirmance, July 9, 2003). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had litigated a post-conviction petition for a writ of habeas corpus on the merits, see Matthews v. State, Docket No. 43822 (Order of Affirmance, March 10, 2005), and it constituted an abuse of the writ to the extent that he raised claims new and different from those raised in his previous petitions.³ See NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Appellant failed to demonstrate good cause to excuse the procedural defects. Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). The newly discovered evidence relating to an alleged conspiracy amongst various state actors and courts is underwhelming in

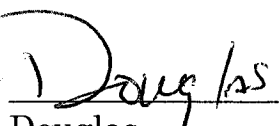
²To the extent that appellant sought discovery, the district court did not err in denying his request.

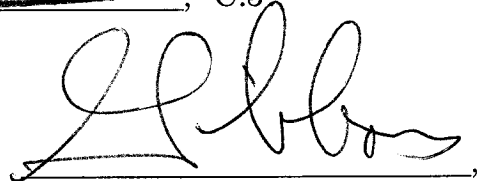
³Matthews v. State, Docket No. 47145 (Order of Affirmance, October 3, 2006); Matthews v. State, Docket No. 50871 (Order of Affirmance, August 12, 2008); Matthews v. State, Docket No. 53552 (Order of Affirmance, October 21, 2009).

fact and in its significance in these proceedings. Therefore, we conclude that the district court did not err in denying the petition as procedurally barred.⁴ Finally, we conclude that the district court did not abuse its discretion in referring appellant to the Nevada Department of Corrections for appropriate sanctions for the constant stream of abusive filings in the courts. Therefore, we affirm the order of the district court.⁵ Accordingly, we

ORDER the judgments of the district court AFFIRMED.⁶


_____, C.J.
Saitta


_____, J.
Douglas


_____, J.
Gibbons

⁴To the extent that appellant challenged the conditions of confinement, such a challenge is not permitted in a post-conviction petition for a writ of habeas corpus. Bowen v. Warden, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

⁵We note that the district court applied laches pursuant to NRS 34.800(2); however, because the State did not plead laches in this case, it was error to apply laches to this petition. Nevertheless, as discussed above, the petition was properly denied as procedurally barred.

⁶We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in these matters, 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. Linda Marie Bell, District Judge
Felton L. Matthews, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk