

IN THE SUPREME COURT OF THE STATE OF NEVADA

ATIBA MALIK MOORE,
Appellant,
vs.
D.W. NEVEN, WARDEN AT HIGH
DESERT STATE PRISON,
Respondent.

No. 60251

FILED

JUL 27 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingraham
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. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Appellant filed his petition on October 31, 2011, more than five years from the filing of this court's February 28, 2006, issuance of the remittitur from his direct appeal of the original judgment of conviction and more than four years after this court's May 2, 2007, issuance of the remittitur from his direct appeal of the amended judgment of conviction. See Moore v. State, 122 Nev. 27, 126 P.3d 508 (2006); Moore v. State, Docket No. 47155 (Order of Affirmance, April 6, 2007). Appellant's petition was therefore untimely filed. See NRS 34.726(1); Sullivan v. State, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004). Appellant's petition was also successive.¹ NRS 34.810(1)(b)(2); NRS 34.810(2). Appellant's petition was therefore procedurally barred absent a demonstration of good

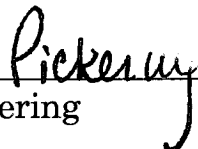
¹See Moore v. State, Docket No. 47155 (Order of Affirmance, April 6, 2007); Moore v. State, Docket Nos. 51590, 52286, 53592 (Order of Affirmance, February 4, 2010).

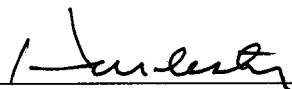
cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

Appellant offered no explanation to excuse the procedural defects, merely restating his underlying claim that the oral pronouncement of sentence was in conflict with the amended judgment of conviction. We therefore conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
Atiba Malik Moore
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We 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.