

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY ALLEN MURRAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60760

**FILED**

NOV 14 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; Michelle Leavitt, Judge.

Appellant filed his petition on March 5, 2012, more than two years after issuance of the remittitur on direct appeal on October 20, 2009. Murray v. State, Docket No. 51196 (Order of Affirmance, September 25, 2009). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See id. Good cause must be an impediment external to the defense and must afford a legal excuse. Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

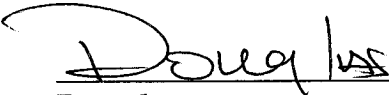
Appellant claimed that his petition was delayed because he was not informed of the availability of post-conviction remedies or the time limits for filing a post-conviction petition. Appellant further claimed that

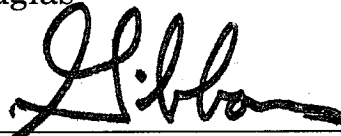
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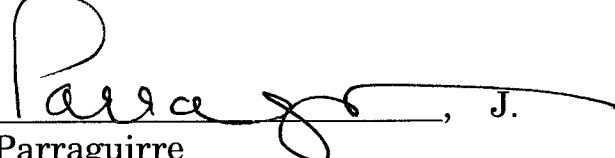
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

his delay could be excused because his counsel failed to provide him with pivotal records. Appellant failed to demonstrate that an impediment external to the defense excused his defects. Appellant failed to demonstrate that counsel's actions operated to bar him from seeking habeas corpus relief. See Manning v. Foster, 224 F.3d 1129, 1133-35 (9th Cir. 2000). Appellant further failed to demonstrate that the prison facilities were inadequate to provide him access to the courts. Appellant failed to identify the pivotal records and how they affected his ability to file a timely petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Jeffrey Allen Murray  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk