

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMIAN DOMINGUEZ A/K/A DAMIAN
VAZQUEZ DOMINGUEZ,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60845

FILED

JAN 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
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.¹ Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

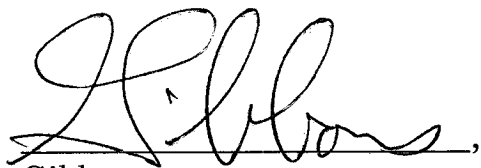
Appellant filed his petition on January 12, 2012, more than one year after issuance of the remittitur on direct appeal on January 4, 2011. Dominguez v. State, Docket No. 55061 (Order of Affirmance, December 10, 2010). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus and the prior determination was on the merits.² See NRS 34.810(1)(b)(2); NRS 34.810(2). Appellant's petition was procedurally barred absent a

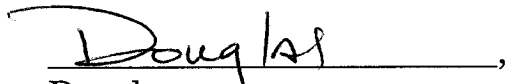
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²Dominguez v. State, Docket No. 59966 (Order of Affirmance, July 25, 2012).

demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3). Appellant did not attempt to demonstrate good cause; therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
Demian Dominguez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk