

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE B. GREENBERG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61436

**FILED**

APR 09 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
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; Valerie Adair, Judge.

Appellant filed his petition on May 2, 2012, almost six years after issuance of the remittitur on direct appeal on August 2, 2006. Greenberg v. State, Docket No. 45529 (Order of Affirmance, July 6, 2006). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously litigated 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. See NRS 34.810(1)(b)(2); NRS

---

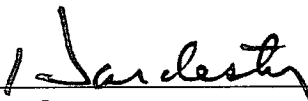
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

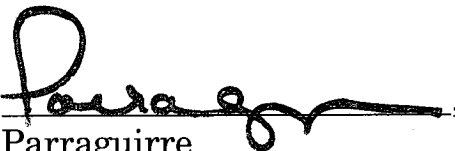
Because appellant challenged the validity of the judgment of conviction, we conclude that the district court did not err in construing the motion filed by appellant to be a post-conviction petition for a writ of habeas corpus. See NRS 34.724(2)(b).

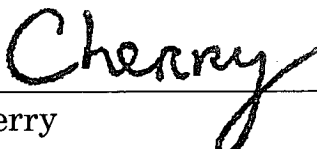
34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

Appellant did not attempt to demonstrate good cause for his procedural defects. To the extent that appellant argued he raised a claim involving jurisdiction, which he alleged could be raised at any time, appellant's claims did not implicate the jurisdiction of the courts. See Nev. Const. art. 6, § 6; NRS 171.010. Because appellant did not demonstrate good cause, we 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.<sup>2</sup>

  
\_\_\_\_\_, J.  
Hardesty

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

  
\_\_\_\_\_, J.  
Cherry

---

<sup>2</sup>We 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.

cc: Hon. Valerie Adair, District Judge  
Jesse B. Greenberg  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk