

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYLE JESSE RODNEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62575

FILED

JAN 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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; Douglas W. Herndon, Judge.

On November 1, 2012, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Appellant's petition was successive because he had previously litigated a post-conviction petition for a writ of habeas corpus on the merits, and it constituted an abuse of the writ to the extent that he raised claims new and different from those raised in his previous petition.² See NRS 34.810(1)(b)(2); NRS 34.810(2). Therefore, appellant's petition was

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).

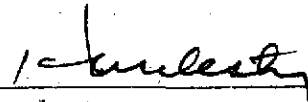
²*Rodney v. State*, Docket No. 60206 (Order of Affirmance, September 12, 2012).

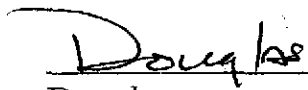
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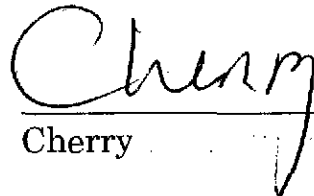
procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(1)(b); NRS 34.810(3).

Appellant appeared to claim that he had good cause because he lacked legal knowledge and needed assistance from an attorney. However, a lack of knowledge about the law does not constitute good cause. *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding that a petitioner's limited intelligence and poor legal assistance from inmate law clerks did not establish good cause). Thus, the district court did not err in denying his petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Douglas W. Herndon, District Judge
Kyle Jesse Rodney
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk