


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLAND WARREN SETTIMI,
Appellant,
vs.
DWIGHT NEVEN, WARDEN,
Respondent.

No. 62597

FILED

NOV 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER OF AFFIRMANCE

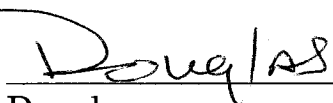
This is an appeal from a district court order denying a second post-conviction petition for a writ of habeas corpus. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

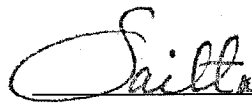
Appellant pleaded guilty but did not appeal the judgment of conviction. He subsequently filed a post-conviction petition for a writ of habeas corpus, which the district court denied on the merits. Shortly thereafter, appellant filed a second post-conviction petition, which the district court denied as procedurally barred under NRS 34.810(2) because three of appellant's claims were denied on the merits in his first post-conviction petition and his remaining claim of ineffective assistance of counsel could have been raised in his prior post-conviction petition. And appellant failed to demonstrate good cause and prejudice to overcome the procedural default. *See* NRS 34.810(3). On appeal, appellant does not challenge the district court's denial of his post-conviction petition as procedurally barred but rather focuses his argument solely on the merits of his underlying claims. Because appellant has not demonstrated that

the district court erred by denying his post-conviction petition based on NRS 34.810, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Robert W. Lane, District Judge
Robert P. Bettinger
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk

¹Despite the parties' verification that the fast track statement and the fast track response comply with applicable formatting requirements, they do not. See NRAP 3C(h)(1). The fast track statement and the fast track response do not comply with NRAP 32(a)(5) because the typeface is not 14-point or larger. The fast track response does not comply with NRAP 32(a)(4) because the margins are not at least 1 inch on all four sides and NRAP 32(a)(5) because the footnotes are not the same typeface as the body of the brief. Further, the fast track statement does not contain all of the information required by NRAP 3C(e)(1). We caution counsel that future failure to comply with the Nevada Rules of Appellate Procedure when filing briefs with this court may result in the imposition of sanctions. See NRAP 3C(n); NRAP 28.2(b).

