

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANTHONY PAUL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63386

**FILED**

JAN 21 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. 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> Third Judicial District Court, Lyon County; William Rogers, Judge.

Because appellant filed his petition more than 17 years after this court issued its remittitur on direct appeal from the judgment of conviction and he has previously filed a post-conviction petition for a writ of habeas corpus, the petition was untimely under NRS 34.726(1) and successive under NRS 34.810(2). Therefore, the petition was procedurally barred absent a demonstration of good cause and prejudice. NRS 34.726(1); NRS 34.810(3).

Appellant made no attempt to overcome the procedural bars and, to the extent that he cited to *Missouri v. Frye*, 566 U.S. \_\_\_, 132 S. Ct. 1399 (2012), and *Martinez v. Ryan*, 566 U.S. \_\_\_, 132 S. Ct. 1309 (2012), he failed to allege any facts that would demonstrate that counsel's

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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 *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

ineffectiveness constituted good cause to excuse the procedural bars. Accordingly, we conclude that the district court did not err in finding that appellant's petition was untimely, successive, and procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. William Rogers, District Judge  
Michael Anthony Paul  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk