

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL BRUCE BYNOE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63478

**FILED**

JAN 15 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

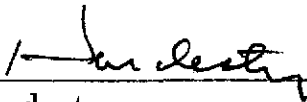
Appellant filed his petition on February 7, 2012, almost twelve years after entry of the judgment of conviction on March 7, 2000. Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Appellant did not attempt to demonstrate good cause for the late filing. To the extent that appellant claimed that his mental health status should excuse the late filing, appellant failed to demonstrate that an impediment external to the defense excused his late filing. *See Phelps v. Director, Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Thus, we conclude that the district


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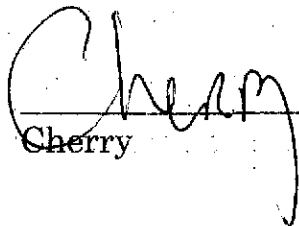
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

court correctly determined that appellant's petition was procedurally time barred and without good cause.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Lidia Stiglich, District Judge  
Michael Bruce Bynoe  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We note that the district court further applied statutory laches, NRS 34.800(2), to the petition. However, this was in error as the State had not filed a document pleading laches as required by NRS 34.800(2). Regardless, the petition was correctly procedurally barred pursuant to NRS 34.726(1), and we affirm on this basis.

<sup>3</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.