

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIC PLASNYER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63513

FILED

JAN 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *P. 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.¹ Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

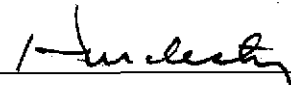
Appellant filed his petition on March 5, 2013, more than two years after entry of the judgment of conviction on March 2, 2011. Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

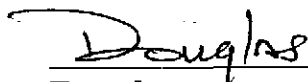
Appellant claimed that he had cause for the delay because he had submitted a motion to withdraw a guilty plea on August 8, 2011, and thought he was supposed to wait until the resolution of the motion. No such motion was filed in the district court, and appellant offered no documentation to show he did in fact submit a motion for filing. More

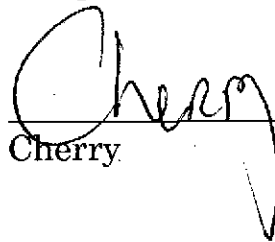
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

importantly, the filing of a motion to withdraw a guilty plea would not have tolled the time to file a post-conviction petition for a writ of habeas corpus.² See *id.* Appellant's ignorance of post-conviction remedies likewise does not provide cause for the delay. See *Phelps v. Director, Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Therefore, we conclude that the district court did not err in denying the petition as procedurally time barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Jessie Elizabeth Walsh, District Judge
Bric Plasnyer
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We note that in appellant's supplemental pleadings, appellant indicated that he asked trial counsel to file a post-conviction petition in June 2012, indicating that appellant understood at least by this point that a motion had not been filed. Appellant failed to indicate when he learned no motion had been filed and he failed to indicate why he waited until March 2013 to file a petition.