IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT RYAN ROWLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63538

FILED

FEB 12 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 of the district court dismissing a post-conviction petition for a writ of habeas corpus.[1] First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant filed his petition on February 20, 2013, more than eleven years after issuance of the remittitur on direct appeal on February 19, 2002. *Rowland v. State*, 118 Nev. 31, 39 P.3d 114 (2002). 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. *Id.* Moreover, because the State specifically pleaded laches, appellant was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

Appellant claimed that good cause existed to excuse his procedural default because: (1) he was not aware of the facts that

[1]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).

established his claims; (2) he is not educated in the law and had no knowledge of the miscarriage of justice; (3) he was on High Risk Prisoner status and isolated for four to five years following his conviction and has been on 24-hour lockdown since his conviction; (4) he was on several mental health prescriptions for several years; and (5) he tried to obtain his entire file for review but the State refused to furnish any documents, the public defender's office was unsure where the files were or was reluctant to send the entire file to appellant, and the prison would not allow appellant access to the sixteen boxes that made up his complete file. We conclude that the district court did not err in determining that appellant failed to demonstrate good cause to excuse the procedural default. Appellant failed to explain how the inability to access his entire file prevented him from filing a petition within the one-year time period.[2] *See Hood v. State*, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995) (holding that "[c]ounsel's failure to send appellant his files did not prevent appellant from filing a timely petition, and thus did not constitute good cause for appellant's procedural default"). Furthermore, appellant's ignorance of the law and of post-conviction rules as well as his claim that he took prescription medications did not demonstrate good cause for the delay. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (holding that good cause means "an impediment external to the defense"); *Phelps v. Director, Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988)

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[2]We note a letter from appellate counsel, dated February 27, 2002, outlining counsel's concerns about sending the entire case file to the prison and encouraging appellant to draft a post-conviction petition on the basis of the briefs, appendix, and other materials in appellant's possession and to request appointment of post-conviction counsel.

(holding that organic brain damage, borderline mental retardation, and reliance on the assistance of an inmate law clerk do not excuse a procedural bar). Accordingly, we conclude that the district court did not err in dismissing appellant's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.[3]

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. James Todd Russell, District Judge
Robert Ryan Rowland
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

[3]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.