

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS BOLICH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63618

FILED

JAN 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. K. Lindeman*
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.¹ Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

In his petition filed on January 29, 2013, appellant challenged the validity of his March 7, 2008, judgment of conviction. We conclude that the district court did not err in denying the petition because appellant was not in custody in the case designated when he filed the petition.² *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999); *see also* Nev. Const. art. 6, § 6(1) (providing that the district courts may issue a writ of habeas corpus on petition by "any person who is held in actual custody in their respective districts, or who has suffered a criminal conviction in their

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).

²Appellant indicated that he was in the custody at the Clark County Detention Center awaiting new charges when he filed his January 29, 2013, petition.

respective districts and has not completed the sentence imposed pursuant to the judgment of conviction"). Moreover, as a separate and independent ground to deny relief, we conclude that the petition was procedurally time barred and without good cause. See NRS 34.726(1); *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Brent T. Adams, District Judge
Thomas Bolich
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

³We 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.