

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL WOOMER,
Appellant,
vs.
JAMES PITTS, ELKO COUNTY
SHERIFF,
Respondent.

No. 64863

FILED

JUL 22 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to dismiss for lack of subject matter jurisdiction.¹ Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Appellant filed his motion on June 26, 2013, more than thirteen years after entry of the judgment of conviction on March 30, 2000.² Thus, appellant's motion was untimely filed. See NRS 34.726(1).

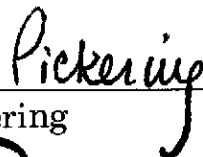
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

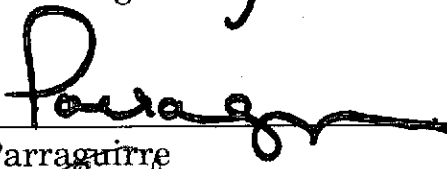
²Because appellant challenged his conviction and sentence, we conclude that the district court properly construed appellant's motion to be a post-conviction petition for a writ of habeas petition. See NRS 34.724(2)(b) (stating that a post-conviction petition for a writ of habeas corpus "[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them").

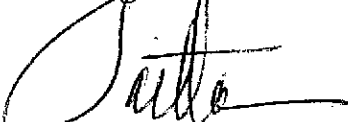
Appellant's motion was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Appellant did not attempt to demonstrate cause for the delay. To the extent that appellant argued that the procedural bars did not apply because he was challenging the constitutionality of the laws and the jurisdiction of the courts, appellant's argument was without merit. Appellant's claims challenge the validity of the judgment of conviction, and thus, the procedural bars do apply in this case.³ *See* NRS 34.720(1); NRS 34.724(1). Because appellant did not demonstrate good cause, the motion was procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

³Appellant's claims did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. We note that the Statutes of Nevada contain the laws with the enacting clauses required by the constitution. The Nevada Revised Statutes simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel. NRS 220.120.

cc: Hon. Nancy L. Porter, District Judge
Michael Woomer
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk