

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT EARL STEWART,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65340

FILED

JUL 23 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

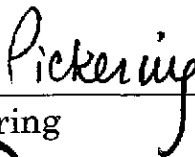
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

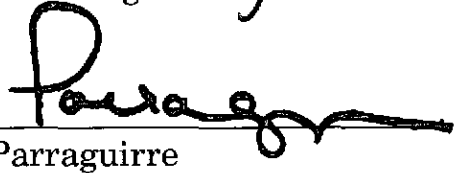
Appellant filed his petition on February 21, 2014, more than 4 years after entry of the judgment of conviction on January 5, 2010. Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*


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).

Appellant failed to allege cause for the delay or undue prejudice in his petition. Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Michelle Leavitt, District Judge
Robert Earl Stewart
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent that appellant was appealing from the denial of his Rule 60(b) motion, the denial of such a motion is not an appealable decision in a criminal case. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).