

IN THE SUPREME COURT OF THE STATE OF NEVADA

OMAR RUEDA-DENVERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66310

FILED

JUL 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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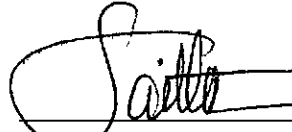
ORDER OF AFFIRMANCE


This is an appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


Appellant contends that the district court erred by concluding that his petition was untimely filed. Alternatively, appellant contends that he demonstrated good cause to excuse the untimely filing. We disagree with both contentions. Appellant filed his petition on March 26, 2013, over one year after issuance of the remittitur on direct appeal on March 20, 2012. *See Rueda-Denvers v. State*, Docket No. 55296 (Order of Affirmance, February 24, 2012). Thus, his petition was untimely filed. *See* NRS 34.726(1); *Gonzales v. State*, 118 Nev. 590, 595, 53 P.3d 901, 903 (2002) (declining to extend the prison mailbox rule to the filing of post-conviction petitions). Appellant failed to demonstrate good cause and prejudice because he did not demonstrate that an impediment external to the defense excused his delay. *See Gonzales*, 118 Nev. at 595-96, 53 P.3d at 904. Although appellant asserts he was unable to demonstrate good cause because the district court declined to hold an evidentiary hearing, he did not allege sufficient facts to entitle him to an evidentiary hearing

under the circumstances. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Michael Villani, District Judge
Law Office of Kristina Wildeveld
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk