

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB RAIME PRATT,
Appellant,
vs.
RENEE BAKER, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 66488

FILED

FEB 04 2015

TRACIE K. UNDERMAN
CLERK OF APPEALS COURT
BY *Angelat*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Appellant filed his petition on August 14, 2014, 7 years after issuance of the remittitur on direct appeal on July 5, 2007. *Pratt v. State*, Docket No. 46472 (Order of Affirmance, June 8, 2007). 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 NRS 34.726(1).

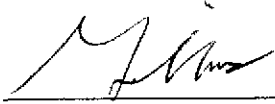
In an attempt to demonstrate good cause, appellant argued that he was ignorant of the rules regarding post-conviction and he did not have adequate access to the prison's law library. Appellant failed to demonstrate that an impediment external to the defense excused his

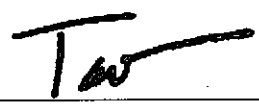
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

procedural defects. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). His ignorance of the law did not constitute good cause to excuse the delay, see *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988), and he failed to provide specific facts relating to his alleged deprivation of access to a law library, see *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

Next, appellant argued that he could overcome the procedural bars because he was actually innocent of attempted murder with the use of a deadly weapon and first-degree kidnapping with the use of a deadly weapon. Appellant did not demonstrate actual innocence because he failed to show that "it is more likely than not that no reasonable juror would have convicted him in light of . . . new evidence." *Calderon v. Thompson*, 523 U.S. 538, 559 (1998) (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)); see also *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); *Mazzan v. Warden*, 112 Nev. 838, 842, 921 P.2d 920, 922 (1996). We therefore conclude that the district court did not err in denying appellant's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Lidia Stiglich, District Judge
Jacob Raime Pratt
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk