

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES WRIGHT, JR.,  
Appellant,  
vs.  
ROBERT LEGRAND, WARDEN,  
Respondent.

No. 67140

**FILED**

**APR 14 2015**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
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.<sup>1</sup> Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Appellant James Wright, Jr., filed his petition on July 24, 2014, nearly 6 years after issuance of the remittitur on direct appeal on August 5, 2008. *Wright, Jr. v. State*, Docket No. 46964 (Order of Affirmance, July 10, 2008). Thus, Wright's petition was untimely filed. See NRS 34.726(1). Moreover, Wright's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>2</sup> See NRS 34.810(1)(b)(2); NRS 34.810(2). Wright's petition was procedurally barred

---

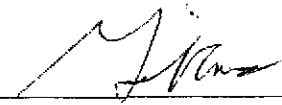
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

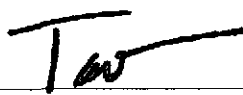
<sup>2</sup>*Wright, Jr. v. State*, Docket No. 56945 (Order of Affirmance, September 14, 2011).

absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

Wright failed to allege any good cause or prejudice to overcome the procedural bars. Therefore, the district court did not err in dismissing the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. David A. Hardy, District Judge  
James Wright, Jr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk