

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERNANDO PADRON RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68040

FILED

NOV 13 2015

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying a third postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

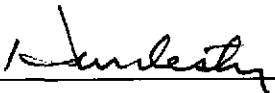
Appellant filed his postconviction petition on January 23, 2015, more than 16 years after issuance of remittitur on direct appeal on July 7, 1999. *Rodriguez v. State*, Docket No. 29730 (Order Dismissing Appeal, June 8, 1999). Therefore, the petition was untimely filed. See NRS 34.726(1). Additionally, appellant's petition was successive as he previously sought postconviction relief.² See NRS 34.810(1)(b)(2). His petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS

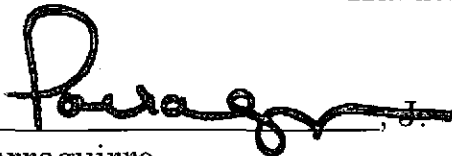
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²*Rodriguez v. State*, Docket No. 45634 (Order of Affirmance, February 10, 2006); *Rodriguez v. State*, Docket No. 36657 (Order of Affirmance, February 27, 2002).

34.810(3). Because appellant failed to demonstrate good cause and actual prejudice to overcome the procedural default, we conclude that the district court did not err by denying his petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Stefany Miley, District Judge
Fernando Padron Rodriguez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk