

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN ANTOINE BANKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68237

FILED

NOV 13 2015

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

ORDER OF AFFIRMANCE

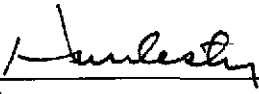
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant filed his postconviction petition on March 16, 2015, more than one year after issuance of remittitur on direct appeal on March 11, 2014. *Banks v. State*, Docket No. 62533 (Order of Affirmance, February 13, 2014). Therefore, the petition was untimely filed. See NRS 34.726(1). His petition was procedurally barred absent a demonstration of good cause and actual prejudice. See *id.* Appellant did not explain his delay in filing the petition and therefore did not demonstrate good cause. As to his actual-innocence claim, he failed to present new evidence establishing that he is actually innocent of his crimes. See *House v. Bell*, 547 U.S. 518, 536-37 (2006); *Schlup v. Delo*, 513 U.S. 298, 316 (1995).

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).

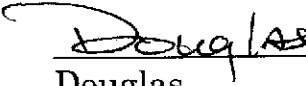
Therefore, we conclude that the district court did not err by denying his petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Hardesty



Parraguirre


_____, J.
Douglas

cc: Hon. Douglas Smith, District Judge
Kevin Antoine Banks
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²This court received appellant's pro se motion for appointment of counsel. We deny the motion as moot.