

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COURTNEY LANGSTON LOWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68124

FILED

NOV 19 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 postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Louis Eric Johnson, Judge.

Appellant Courtney Lowe filed his second, successive, and abusive petition on March 6, 2015.² See NRS 34.810(2). Accordingly Lowe's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(3).

Lowe failed to make any arguments in support of good cause and prejudice to overcome the procedural bars. However, Lowe claimed he was innocent of the crime of conspiracy because he acted alone. To the extent this claim could be construed as a claim of actual innocence, Lowe 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

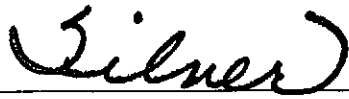
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²Lowe's first timely petition was dismissed by the district court on December 29, 2014. Lowe did not appeal the dismissal of this petition.

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). Therefore the district court did not err in denying Lowe's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Silver

cc: Hon. Louis Eric Johnson, District Judge
Courtney Langston Lowe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³The Honorable Jerome T. Tao, Judge, did not participate in the decision in this matter.