

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LANI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64122

FILED

NOV 24 2015

TAMIE K. LINDENMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

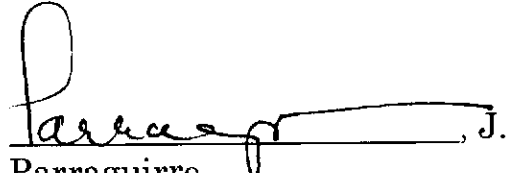
This is an appeal from a district court order denying appellant David Lani's postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

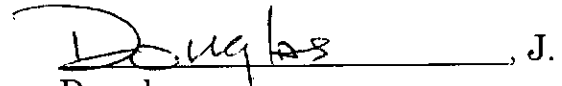
In his petition, Lani argued that *Miller v. Alabama*, 567 US ___, 132 S. Ct. 2455 (2012), provided him with good cause¹ and entitled him to a new sentencing hearing. The district court denied the petition. While Lani's appeal was pending, the Legislature enacted A.B. 267, which makes him eligible for parole on the murder count regardless of the life-without-parole sentence imposed. Lani asserts that the relief provided by A.B. 267 does not sufficiently resolve the concerns raised in his petition. We conclude that A.B. 267 provides Lani with any relief *Miller* arguably

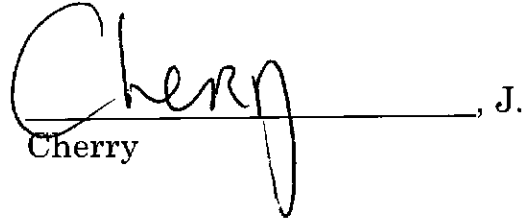
¹Lani's petition was untimely and successive and was therefore procedurally barred absent a demonstration of good cause and prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3). Lani raised some claims which were procedurally barred despite any favorable reading of *Miller*.

affords.² Accordingly, this appeal is moot, *Personhood Nevada v. Bristol*, 126 Nev., Adv. Op. 56, 245 P.3d 572, 574 (2010), and we

ORDER this appeal DISMISSED.


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Patrick Flanagan, District Judge
Law Office of Thomas L. Qualls, Ltd.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We note that the sentencing panel did consider Lani's youth as a mitigating circumstance, as required by Nevada law.