

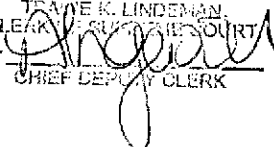
IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN F. CIOLINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67940

FILED

DEC 18 2015

TRAVIS K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying appellant's postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant filed his petition on February 18, 2015, more than 10 years after his judgment of conviction was entered on January 31, 2005. Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Moreover, appellant's petition was successive because he had previously pursued postconviction relief,² and it constituted an abuse of the writ to the extent it raised a new and different claim. *See* NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice. *See* NRS 34.726; NRS 34.810(1), (3). Moreover,

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*Ciolino v. State*, Docket No. 56813 (Order of Affirmance, April 11, 2012).

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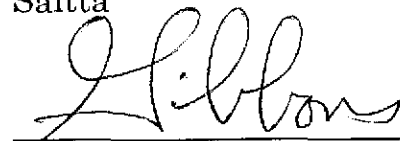
because the State pleaded laches, appellant was required to overcome the presumption of prejudice to the State. See NRS 34.800.

Appellant asserted that relief was warranted because he recently discovered that the State of Nevada was performing mass genocide on the inmate population. Appellant failed to demonstrate good cause and prejudice sufficient to overcome the procedural bars. Moreover, appellant failed to overcome the presumption of prejudice to the State. Therefore, we

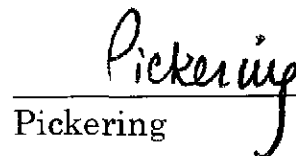
ORDER the judgment of the district court AFFIRMED.

 _____, J.

Saitta

 _____, J.

Gibbons

 _____, J.

Pickering

cc: Hon. Kathleen E. Delaney, District Judge
Stephen F. Ciolino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk