

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCISCO JAVIER JIMENEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68328

FILED

FEB 10 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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 12, 2015, more than two years after issuance of remittitur on direct appeal on August 21, 2012. *Jimenez v. State*, Docket No. 58787 (Order of Affirmance, July 25, 2012). Therefore, the petition was untimely filed. See NRS 34.726(1). Additionally, his 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 34.810(3). Because appellant has not shown good cause to overcome the

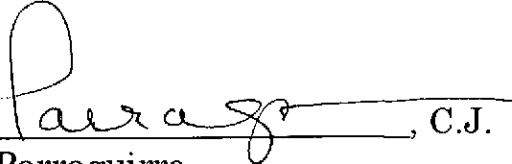
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²*Jimenez v. State*, Docket No. 65097 (Order of Affirmance, October 16, 2014).

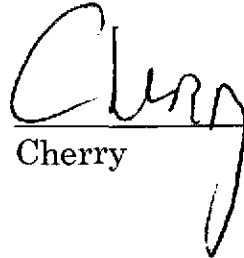
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procedural default, we conclude that the district court did not err by denying his petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Douglas Smith, District Judge
Francisco Javier Jimenez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We have reviewed all documents that appellant has submitted pro se to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.