

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIYON TONY FORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68658

FILED

FEB 10 2016

TRACIE K. ENDERMAN
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; Eric Johnson, Judge.

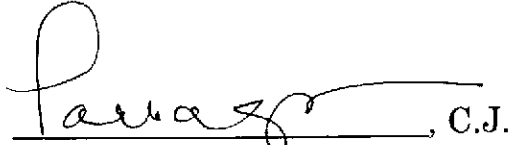
Appellant filed his postconviction petition on May 19, 2014, more than six years after issuance of remittitur on direct appeal on October 2, 2007. *Ford v. State*, Docket No. 48781 (Order of Affirmance, September 6, 2007). Therefore, the petition was untimely filed. See NRS 34.726(1). Additionally, his 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).


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).

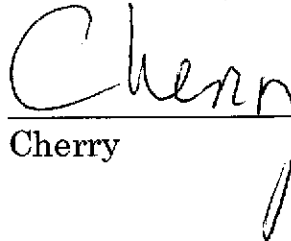
²*Ford v. State*, Docket No. 52915 (Order of Affirmance, August 27, 2009).

Appellant failed to demonstrate good cause to overcome the procedural default. Further, his claim that he is actually innocent lacks merit because he failed to present new evidence establishing that he is actually innocent of his crime. *See House v. Bell*, 547 U.S. 518, 536-37 (2006). Therefore, we conclude that the district court did not err by denying appellant's petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Eric Johnson, District Judge
Tiyon T. Ford
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk