

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HECTOR PEREZ-LAZARO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70226

**FILED**

OCT 19 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Hector Perez-Lazaro filed his petition on January 7, 2016, nearly three years after entry of the judgment of conviction on May 1, 2013.<sup>2</sup> Thus, Perez-Lazaro's petition was untimely filed. See NRS 34.726(1). Perez-Lazaro's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

Perez-Lazaro claims the district court erred by denying his petition because he demonstrated good cause and prejudice to overcome the procedural bars. Perez-Lazaro claims he had good cause because he received ineffective assistance of counsel and because English is his second language.

---


<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

<sup>2</sup>No direct appeal was filed.

We conclude Perez-Lazaro failed to demonstrate good cause to overcome the procedural bars. He failed to demonstrate an impediment external to the defense or why he could not have filed his ineffective assistance of counsel claims in a timely petition. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (a petitioner must show an impediment external to the defense prevented him from filing a timely petition and a procedurally defaulted claim of ineffective assistance of counsel cannot constitute good cause). Further, he failed to support his claim regarding his language barrier with specific facts that, if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Douglas W. Herndon, District Judge  
Hector Perez-Lazaro  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk