

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD ALLEN LANCASTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70798

**FILED**

DEC 28 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Richard Allen Lancaster appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on December 28, 2015.<sup>1</sup> Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Lancaster did not pursue a direct appeal and this habeas petition was filed more than five years after the judgment of conviction was entered on March 26, 2010; consequently, his petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Lancaster claims the district court erred by dismissing his untimely habeas petition because it challenged the district court's subject matter jurisdiction and challenges to subject matter jurisdiction may be raised at any time. In his petition, Lancaster claimed the district court lacked jurisdiction because it failed to comply with NRS 174.035(2) and

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



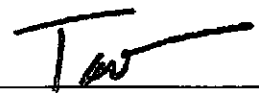
116-901566

his conviction was based on ineffective assistance of counsel; the misapplication of a statute; an unconstitutionally vague, ambiguous, or overbroad statute; a fraudulent plea agreement; and cumulative error.

Lancaster's claims did not implicate the subject matter jurisdiction of the district court. *See* Nev. Const. art. 6, § 6; NRS 171.010; *United State v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the court’s statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)). Accordingly, the district court did not err by applying the procedural bar to his untimely habeas petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Lidia Stiglich, District Judge  
Richard Allen Lancaster  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk