

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERIC GREEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71209

FILED

JUN 15 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
*E. Brown*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from an order dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant's March 8, 2016, petition was untimely because it was filed more than 12 years after issuance of the remittitur on direct appeal. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously litigated three postconviction petitions for a writ of habeas corpus.<sup>2</sup> See NRS 34.810(1)(b)(2); NRS 34.810(2). Appellant's 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).

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<sup>1</sup>Having considered the pro se brief filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. See NRAP 34(f)(3).

<sup>2</sup>*Green v. State*, Docket No. 68271 (Order of Affirmance, March 16, 2016); *Green v. State*, Docket No. 59153 (Order of Affirmance, June 13, 2012); *Green v. State*, Docket No. 47318 (Order of Affirmance, June 4, 2007).

Appellant argues that the district court did not have jurisdiction over count 2 because it was not properly bound over to the district court for trial. We conclude that the district court did not err in dismissing the petition as procedurally barred. Appellant failed to provide any good cause for raising this argument in his late and successive petition. Petitioner presented this argument, in the context of a claim of ineffective assistance of counsel, in his first petition, and the district court found that he was bound over to the district court on count 2, and this court relied on that finding in affirming the district court's decision.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Hon. Janet J. Berry, District Judge  
Frederic Green  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>3</sup>We note that substantial evidence supports the district court's factual finding, in denying the first petition, that count 2 was properly bound over for trial.