

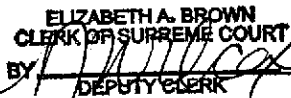
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERNANDO ENRIQUE CAMACHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71695

FILED

JUL 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Fernando Enrique Camacho appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on June 6, 2016.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Camacho filed his petition more than one year after entry of the judgment of conviction on June 4, 2015.² Thus, Camacho's petition was untimely filed. *See* NRS 34.726(1). Camacho's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

The district court concluded Camacho failed to allege good cause in his petition to overcome the procedural bars and failed to file his petition in substantial compliance with NRS 34.735. Camacho fails to address either of these conclusions on appeal.

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


²No direct appeal was taken.

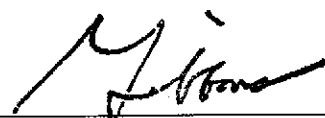
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Although Camacho's petition did not substantially comply with NRS 34.735, the omissions were curable defects and the district court could have allowed Camacho to amend the petition to cure these defects. *See Miles v. State*, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004). Nevertheless, because Camacho failed to demonstrate good cause to overcome the procedural time bar, we conclude the district court did not err by denying the petition as procedurally barred.³ *See State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 211 P.3d 1070, 1074 (2005). Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

³We also conclude the district court did not abuse its discretion by declining to appoint counsel. *See* NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. ___, ___, 391 P.3d 760, 761 (2017).

⁴We have reviewed all documents Camacho filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Camacho has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.

cc: Hon. Valerie Adair, District Judge
Fernando Enrique Camacho
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk