

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESUS RENE GONZALEZ,
Appellant,
vs.
JO GENTRY, WARDEN,
Respondent.

No. 71936

FILED

SEP 13 2017

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

ORDER OF AFFIRMANCE

Jesus Rene Gonzalez appeals from an order of the district court denying his September 20, 2016, postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

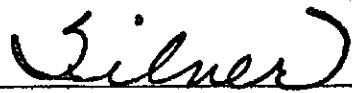
Gonzalez filed his petition more than eight years after entry of the judgment of conviction on March 25, 2008. No direct appeal was taken. Gonzalez' petition was therefore untimely filed. See NRS 34.726(1). Gonzalez' petition was also successive where he raised claims that were already brought in a previous postconviction petition and an abuse of the writ where he raised new claims. NRS 34.810(2); see *Gonzalez v. State*, Docket No. 61276 (Order of Affirmance, December 17, 2013). The petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

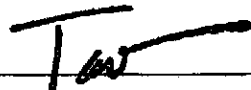
Gonzalez did not attempt to demonstrate good cause to excuse the procedural bars. To the extent he claimed they were excused by trial

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

counsel's act or omission, any such claim was itself untimely and thus could not overcome the procedural bars. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). We therefore conclude 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.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Jesus Rene Gonzalez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk