

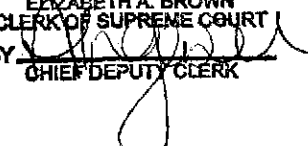
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRANCE MICHAEL BARKSDALE,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 71558

FILED

SEP 13 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Terrance Michael Barksdale appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Barksdale filed his petition on May 24, 2016, almost five years after entry of the judgment of conviction on June 21, 2011.² Thus, Barksdale's petition was untimely filed. See NRS 34.726(1). Moreover, Barksdale's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petitions.³ See NRS 34.810(2). Barksdale's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

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).

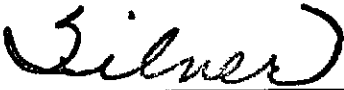
²Barksdale did not pursue a direct appeal.


³*Barksdale v. State*, Docket No. 67892 (September 16, 2015); *Barksdale v. State*, Docket No. 62833 (October 16, 2013).

Barksdale claimed the procedural bars did not apply to his petition because he challenged the jurisdiction of the district court. Barksdale asserted he recently learned the Nevada Revised Statutes do not meet constitutional mandates and are invalid because they do not have an enactment clause, the commission charged with creating the revised statutes should not have been granted such authority, and the laws authorizing the revised statutes were not passed in accordance with the Nevada Constitution and other laws.

These claims did not implicate the jurisdiction of the courts, and therefore, the procedural bars apply to Barksdale's petition. *See Nev. Const. art. 6, § 6; NRS 171.010; United States 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)). Further, these claims were reasonably available to be raised in a timely petition and Barksdale did not demonstrate an impediment external to the defense prevented him from doing so. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Therefore, the district court properly denied the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Terrance Michael Barksdale
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk