

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY LYNN HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72504

FILED

DEC 14 2017

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

ORDER OF AFFIRMANCE

Gregory Lynn Harris appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on December 22, 2015.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Harris' petition was filed more than eleven years after the remittitur on direct appeal was issued on June 2, 2004;² consequently, it was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

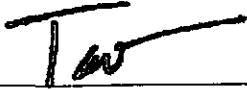
Harris claims the district court erred by denying his petition because he was never given a chance to challenge the amended judgment of conviction. However, Harris did not raise this good-cause claim in his petition, and we decline to consider it for the first time on appeal. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d. 25, 33 (2004).


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

²*See Harris v. State*, Docket No. 40344 (Order of Affirmance, May 5, 2004).

We conclude the district court did not err in denying Harris' procedurally barred habeas petition, *see* NRS 34.726(1); *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (explaining the application of procedural bars is mandatory), and we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Gregory Lynn Harris
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk