

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OMAR DAMION MAYWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73508

FILED

APR 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Omar Damion Maywell 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; Kerry Louise Earley, Judge.

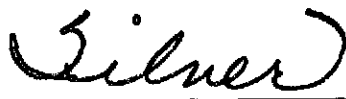
Maywell argues the district court erred by denying his petition as procedurally barred. Maywell filed his petition on February 14, 2017, more than one year after issuance of the remittitur on direct appeal on November 12, 2015. *Maywell v. State*, Docket No. 66921 (Order of Affirmance, October 16, 2015). Thus, Maywell's petition was untimely filed. See NRS 34.726(1). Maywell's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*


Maywell claimed he had cause for the delay because he lacked legal training, lacked adequate access to the prison law library, and had to rely on inmate law clerks. Maywell also asserted he had cause for the delay because he was transferred to a different prison, which caused a setback in

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

preparing his petition as he was forced to find new inmate law clerks to help him. However, these issues did not constitute an impediment external to the defense that prevented Maywell from timely filing a petition. *See Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding petitioner's claim of organic brain damage, borderline mental retardation, and reliance on assistance of inmate law clerk unschooled in the law did not constitute good cause for the filing of a successive postconviction petition). Therefore, we conclude the district court did not err by denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Omar Damion Maywell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk