

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DIJON STOCKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72583

FILED

NOV 14 2017

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

ORDER OF AFFIRMANCE

Dijon Stocker appeals from an order of the district court denying his October 14, 2016, postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Stocker filed his petition more than one year after entry of the judgment of conviction on May 5, 2015. No direct appeal was taken. Stocker's petition was therefore untimely filed and procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1).

Stocker claimed inadequate access to prison law libraries excused his delay. He failed to support his claim with sufficient specific factual information. *Cf. Hathaway v. State*, 119 Nev. 248, 255, 71 P.3d 503, 508 (2003) (holding an evidentiary hearing was warranted where petitioner's good-cause allegations were supported by specific facts, were not belied by the record, and would have entitled him to relief). Stocker

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

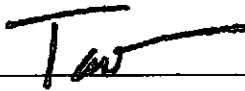
alleged he was denied access to a law library at the beginning of his incarceration, but he admits he had law library access by January 2016. This was supported by the record, which showed Stocker began filing pro se motions that month.


Stocker also claimed the prison's delay in responding to his request for a financial certificate delayed the filing of his petition. We note Stocker did not request the certificate until April 2016. He signed for receipt of the certificate the following month, yet he did not file his petition for five more months. Stocker offered no explanation for this delay.

Because Stocker failed to demonstrate cause to excuse his entire delay, *see id.* at 251, 71 P.3d at 505, he failed to overcome the procedural bar. We therefore conclude the district court did not err in denying his petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Dijon Stocker
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk