

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73260

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

Jason Miller appeals from a district court order denying the postconviction petition for a writ of habeas corpus filed on December 16, 2016.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

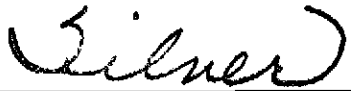
Miller's petition was untimely because it was filed more than three years after the judgment of conviction was entered on July 1, 2013,² and it was successive because his previous postconviction petition for a writ of habeas corpus was decided on the merits.³ See NRS 34.726(1); NRS 34.810(2). These procedural bars were unexcused because Miller made no attempt to show good cause for filing a late and successive petition. See NRS 34.726(1); NRS 34.810(3). Accordingly, the district court did not err by denying Miller's petition as procedurally-barred, see *State v. Eighth*

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

²No direct appeal was taken.

³*Miller v. State*, Docket No. 71253 (Order of Reversal and Remand, September 13, 2017).

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.⁴


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Eric Johnson, District Judge
Jason Miller
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

⁴The Honorable Jerome T. Tao did not participate in the decision in this matter.