

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFREDO VILLA-CARDENAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75402

FILED

OCT 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Alfredo Villa-Cardenas appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 17, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Villa-Cardenas filed his petition more than 19 years after issuance of the remittitur on direct appeal on March 18, 1998. *See Villa-Cardenas v. State*, Docket No. 28131 (Order Dismissing Appeal, February 27, 1998). Villa-Cardenas' petition was therefore untimely filed. *See* NRS 34.726(1). His petition was also abusive as he raised claims new and different from those in his earlier petition.<sup>2</sup> NRS 34.810(2). Villa-Cardenas' petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).


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


<sup>2</sup>*See Villa-Cardenas v. State*, Docket No. 33544 (Order of Affirmance, February 22, 2001).

Villa-Cardenas did not allege good cause in his petition. To the extent he attempts to raise good-cause arguments in his informal brief, we decline to consider his arguments raised for the first time on appeal. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Finally, Villa-Cardenas did not demonstrate actual innocence because he failed to show that “it is more likely than not that no reasonable juror would have convicted him in light of . . . new evidence.” *Calderon v. Thompson*, 523 U.S. 538, 559 (1998) (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)); see also *Mazzan v. Warden*, 112 Nev. 838, 842, 921 P.2d 920, 922 (1996). We therefore conclude the district court did not err by denying Villa-Cardenas’ petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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<sup>3</sup>We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. \_\_\_, \_\_\_, 391 P.3d 760, 760-61 (2017).

cc: Hon. Eric Johnson, District Judge  
Alfredo Villa-Cardenas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk