

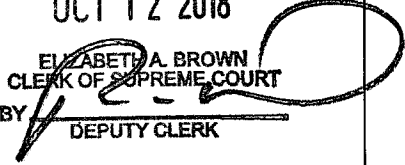
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KHALED ISMAIL MUBARAK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74673

FILED

OCT 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Khaled Ismail Mubarak appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 22, 2017.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Mubarak did not file a direct appeal and his habeas petition was filed more than one year after the entry of the judgment of conviction on July 15, 2016; consequently, his petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

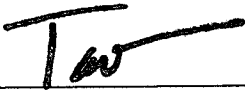
The district court found that Mubarak did not claim to have good cause and his statement that defense counsel did not file a notice of appeal was bare and insufficient to overcome the procedural bar. The record supports the district court's findings, and we conclude it did not err by denying Mubarak's procedurally-barred habeas petition. *See id.*; *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

(2005) (explaining the application of procedural bars is mandatory); *Hargrove v. State*, 100 Nev. 498, 502, 686 P.3d 222, 225 (1984) (a petitioner is not entitled to postconviction relief if his claims are bare or belied by the record). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Khaled Ismail Mubarak
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We also 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).