

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NICOLE IVETTE MEZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74830

FILED

AUG 30 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Nicole Ivette Meza appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 10, 2017.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Meza did not file a direct appeal and her habeas petition was filed more than three years after the judgment of conviction was entered on April 8, 2014; consequently, her 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).

Meza claims the district court erred by denying her petition because it overlooked the fact that she “was arrested and charged as a juvenile, held as a youthful offender and upon reaching age 18, prosecuted as an adult.” She argues “[d]enying the petition on a time-bar issue causes an overlook of all the other grounds that speak to violations of her due


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

process and ineffective assistance of counsel.” And she asserts postconviction counsel should have been appointed.

We conclude Meza failed to demonstrate an impediment external to the defense prevented her from complying with the statutory procedural default rules. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2006). 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). And the district court did not err by denying the procedurally-barred habeas petition. See NRS 34.726(1); *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Nicole Ivette Meza
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk