

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS JEROME BLACKWELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71125

**FILED**

JUN 14 2017

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

*ORDER OF AFFIRMANCE*

Marcus Blackwell appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Blackwell filed his petition on April 20, 2016, more than seven years after entry of the judgment of conviction on March 20, 2009.<sup>2</sup> Thus, Blackwell's petition was untimely filed. *See* NRS 34.726(1). Blackwell's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Blackwell alleged he had good cause for filing a late petition because trial counsel was ineffective. Blackwell's claims of ineffective assistance of counsel were reasonably available to be raised in a timely postconviction petition and ineffective-assistance-of-counsel claims that are themselves procedurally barred cannot establish good cause. *See*

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<sup>1</sup>This 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).


<sup>2</sup>No direct appeal was taken.

*Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003).  
Therefore, we conclude the district court did not err by denying the  
petition as procedurally barred, and we

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

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

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

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

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Marcus Jerome Blackwell  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>3</sup>We also conclude the district court did not abuse its discretion by declining to conduct an evidentiary hearing. See *Rubio v. State*, 124 Nev. 1032, 1046 & n.53, 194 P.3d 1224, 1233-34 & n.53 (2008).