

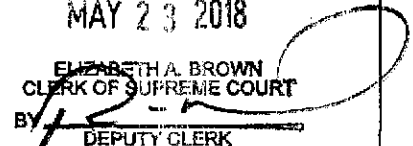
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NIKHOLEUS CLELAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73652

FILED

MAY 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Nikholeus Cleland appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

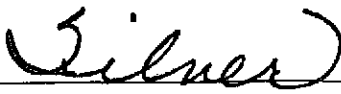
Cleland filed his petition on April 12, 2017, more than one year after entry of the judgment of conviction on April 6, 2017.² Thus, Cleland's petition was untimely filed. *See* NRS 34.726(1). Cleland's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

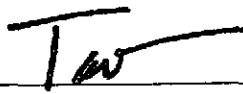
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²Cleland did not pursue a direct appeal. In addition, the district court entered an amended judgment of conviction on November 3, 2016, to clarify Cleland's aggregate sentence. Cleland did not raise any claims involving the amended judgment of conviction, and thus, entry of the amended judgment of conviction did not provide cause for Cleland's delay. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004)

Cleland did not attempt to demonstrate cause for his delay. Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Nikholeus Cleland
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk