

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON SAMUEL CLACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69413

FILED

JUN 21 2016

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

Aaron Clack filed his petition on August 24, 2015, more than two years after entry of the judgment of conviction on June 26, 2013.² Thus, Clack's petition was untimely filed. *See* NRS 34.726(1). Clack's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Clack claims he has good cause to excuse the untimely filing because the district court judge failed to pay a bond prior to taking office. Therefore, Clack claims the district court judge lacked subject matter jurisdiction over his case. This claim does not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. Moreover, Clack fails to demonstrate the district court judge was required to pay a bond prior to

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


²No direct appeal was taken.


taking office. Therefore, the district court did not err in denying this good cause claim.

Next, Clack claims he has good cause to excuse the untimely filing because he only recently learned the legal basis for his claim. That Clack only learned the legal basis for his claims shortly before he filed the instant petition does not demonstrate there was an impediment external to the defense that prevented him from filing a timely petition. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Therefore the district court did not err in dismissing the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James E. Wilson, District Judge
Aaron Samuel Clack
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk