

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER BRIAN KINDER,
Appellant,
vs.
ROBERT LEGRAND, WARDEN,
Respondent.

No. 69197

FILED

MAY 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.


Appellant Christopher Kinder's August 24, 2015, petition was untimely because it was filed more than a year after the Nevada Supreme Court issued the remittitur on direct appeal on May 20, 2014. Consequently, Kinder's petition was 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 Kinder failed to present good cause for the delay and denied his petition.

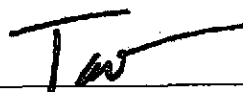
On appeal, Kinder claims the district court erred by denying his postconviction habeas petition because "there [was] a clear showing of good cause for being filed untimely." However, our review of the record reveals Kinder failed to provide any statement of good cause on the face of his petition. See NRS 34.735 (requiring the petitioner to state reasons for


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

filing an untimely petition in the petition itself); *State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681-82 (2003) (recognizing a petitioner is required to allege good cause and prejudice on the face of the petition). We conclude Kinder failed to demonstrate the district court erred by denying his petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kimberly A. Wanker, District Judge
Christopher Brian Kinder
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk

²We have reviewed all documents Kinder has submitted in this matter, and we conclude no relief based upon those submissions is warranted.