

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMIAN DOMINGUEZ, A/K/A DAMIAN  
VAZQUEZ DOMINGUEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69044

**FILED**

JUN 22 2016

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

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Appellant filed his postconviction petition on July 30, 2015, nearly five years after the remittitur issued on direct appeal on December 10, 2010. *Dominguez v. State*, Docket No. 55061 (Order of Affirmance, January 4, 2011). Therefore, the petition was untimely filed. See NRS 34.726(1). Additionally, the petition was successive as appellant previously sought postconviction relief. See NRS 34.810(1)(b)(2). The petition was procedurally barred absent a showing of good cause and prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

As cause to overcome the procedural bars, appellant contends that the State withheld the murder victim's medical records in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). Because appellant failed to demonstrate that State violated *Brady*, his good-cause claim lacks merit. Moreover, appellant raised several of his claims on direct appeal or in a previous petition and they were rejected by this court on appeal. See *Dominguez v. State*, Docket No. 59966 (Order of Affirmance, July 25,

2012); *Dominguez v. State*, Docket No. 55061 (Order of Affirmance, December 10, 2010). Those claims are barred by the law-of-the-case doctrine and he has articulated no basis justifying further consideration of those claims. See *Hsu v. Eighth Judicial Dist. Court*, 123 Nev. 625, 629-30, 173 P.3d 724, 728 (2007). Accordingly, we

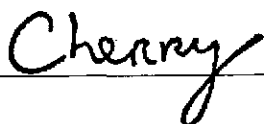
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

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

CHERRY, J., dissenting:

I dissent. I would remand this matter to the district court for an evidentiary hearing on appellant's claim of good cause to overcome the procedural bars.

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Kerry Louise Earley, District Judge  
Demian Dominguez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk