

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRE RONDELL MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77911-COA

FILED

NOV 05 2019

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

ORDER OF AFFIRMANCE

Tre Rondell Miller appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 12, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Miller's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus and that petition was decided on the merits.¹ See NRS 34.810(2). Consequently, Miller's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(3).

¹See *Miller v. State*, Docket No. 73836 (Order Dismissing Appeal, December 22, 2017).

Miller did not attempt to demonstrate good cause and actual prejudice. 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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Tre Rondell Miller
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk