

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIMMY MICHAEL WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79217-COA

FILED

AUG 12 2020

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

ORDER OF AFFIRMANCE

Jimmy Michael White appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 21, 2018. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

White filed his petition more than one year after entry of the judgment of conviction on July 27, 2017. White's petition was therefore untimely filed.¹ See NRS 34.726(1). White's petition was also successive insofar as he re-raised claims raised in his previous petition and an abuse of the writ insofar as he raised claims new and different from those raised in his previous petition.² See NRS 34.810(2). White's petition was therefore

¹White did not appeal from his judgment of conviction. An amended judgment of conviction was filed on December 22, 2017, correcting the number of days of presentence credit White had earned. Because White's petition did not challenge the proceedings leading to the amendment, the period for filing a timely petition did not restart upon the filing of the amended judgment of conviction. See *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

²See *White v. State*, Docket No. 77278 (Order of Affirmance, November 15, 2019).

procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).

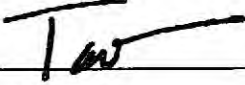
White appeared to argue trial-level counsel's failure to provide White with his case file constituted good cause. Because counsel's alleged failure did not prevent White from filing a first, timely petition, he failed to overcome the procedural bars. *See Hood v. State*, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995).

White also appeared to argue he had good cause because he did not realize he had to raise all of his claims in a first, timely petition. White's alleged ignorance of the law did not constitute "an impediment external to the defense" that prevented him from raising these claims earlier. His argument thus failed to overcome the procedural bars. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

Finally, White could not have demonstrated prejudice because the Nevada Supreme Court previously considered his substantive arguments and concluded they lacked merit. *See White v. State*, Docket No. 77278 (Order of Affirmance, November 15, 2019). His claims were thus barred by the doctrine of the law of the case. *See Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Jimmy Michael White
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk