

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHILLIP JAMES KING,  
Appellant,  
vs.  
PERRY RUSSELL, WARDEN, NNCC;  
AND THE STATE OF NEVADA,  
Respondents.

No. 82528-COA

**FILED**

JUN 17 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Phillip James King appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on February 1, 2021. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

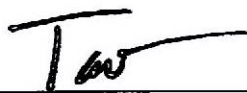
King filed his petition more than two years after issuance of the order granting King's request to voluntarily dismiss his direct appeal. *See King v. State*, Docket No. 75926 (Order Dismissing Appeal, January 18, 2019). Thus, King's petition was untimely filed. *See* NRS 34.726(1); *Gonzales v. State*, 118 Nev. 590, 596 n.18, 53 P.3d 901, 904 n.18 (2002). Moreover, King's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition. *See* NRS 34.810(2). King's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3). King did not allege good cause to overcome the procedural bars. We therefore conclude the district court did not err by denying King's petition as procedurally barred.

To the extent King attempts to raise new arguments in his informal brief on appeal, we decline to address these arguments on appeal

in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Lynne K. Simons, District Judge  
Phillip James King  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk