

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COREY JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82584-COA

FILED

SEP 17 2021

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

ORDER OF AFFIRMANCE

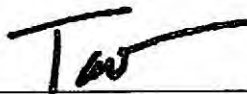
Corey Johnson appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on November 3, 2020, and a “petition for expeditious judicial review and preliminary injunction” filed on November 19, 2020. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

First, Johnson argues that the district court erred by dismissing his postconviction petition as procedurally barred. The district court found that Johnson’s postconviction petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus in district court case number A-20-821716-W, the prior petition raised the same issues that Johnson raised in the petition filed in this case, and his previous petition was decided on the merits. The record supports the district court’s findings. Therefore, Johnson’s postconviction petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.810(3). Johnson did not allege he had good cause to overcome the procedural bar. Therefore, we conclude the district court did not err by dismissing the petition as procedurally barred.

Second, Johnson appears to argue on appeal that the district court erred by dismissing the petition without conducting an evidentiary hearing concerning the merits of his claims. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific allegations that are not belied by the record and, if true, would entitle him to relief. *Rubio v. State*, 124 Nev. 1032, 1046, 194 P.3d 1224, 1233-34 (2008). Because Johnson did not demonstrate good cause, he fails to demonstrate the district court erred by declining to conduct an evidentiary hearing concerning his procedurally barred claims. *Id.* at 1046 n.53, 194 P.3d at 1234 n.53 (noting a district court need not conduct an evidentiary hearing concerning claims that are procedurally barred when the petitioner cannot overcome the procedural bars). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Erika D. Ballou, District Judge
Corey B. Johnson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

¹Johnson did not demonstrate that the district court erred by dismissing his “petition for expeditious judicial review and preliminary injunction.”