

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY BERNARD GERMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83300-COA

FILED

FEB 15 2022

ELIZABETH J. HANSEN  
CLERK OF COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeffrey Bernard German appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 9, 2021. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

German filed his petition more than five years after entry of the judgment of conviction on May 12, 2015, and more than four years after entry of the amended judgment of conviction on May 12, 2016.<sup>1</sup> Thus, German's petition was untimely filed. See NRS 34.726(1). German's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

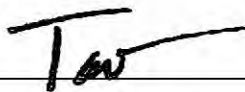
German claimed the United States Supreme Court's decision in *United States v. Davis*, 588 U.S. \_\_\_, 139 S. Ct. 2319 (2019), was new case law and provided good cause. German's petition was filed nearly two years after the *Davis* decision, and German did not explain his delay in raising his good-cause claim. See *Rippo v. State*, 134 Nev. 411, 422, 423 P.3d 1084, 1097 (2018) (holding that a good-cause claim must be raised within one year

<sup>1</sup>German did not file a direct appeal.

of it becoming available). 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. Erika D. Ballou, District Judge  
Jeffrey Bernard German  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk