

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83305-COA

FILED

MAR 09 2022

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

ORDER OF AFFIRMANCE

Christopher Leroy Roach appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Erika D. Ballou.

Roach argues the district court erred by denying his February 8, 2021, petition. Roach filed his petition more than five years after issuance of the remittitur on direct appeal on January 14, 2016. *See Roach v. State*, No. 68011-COA, 2015 WL 9594654 (Nev. Ct. App. Dec. 18, 2015) (Order of Affirmance). Thus, Roach's petition was untimely filed. *See* NRS 34.726(1). Roach's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Roach appeared to claim the United States Supreme Court's decision in *United States v. Davis*, 588 U.S. ___, 139 S. Ct. 2319 (2019), constituted new case law and provided good cause. Roach's petition was filed nearly two years after the *Davis* decision, and Roach 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 of it becoming available). Therefore, we conclude the

district court did not err by dismissing 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
Christopher Leroy Roach
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk