

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE ALBERTO CANDELAS,
Appellant,
vs.
TIM GARRETT,
Respondent.

No. 83965-COA

FILED

AUG 26 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

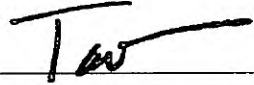
ORDER OF AFFIRMANCE

Jose Alberto Candelas appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 27, 2021. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Candelas's petition was filed more than one year after issuance of the remittitur on direct appeal on August 7, 2020. *See Candelas v. State*, No. 78249-COA, 2020 WL 3969695 (Nev. Ct. App. July 13, 2020) (Order of Affirmance). Thus, Candelas's petition was untimely filed. *See* NRS 34.726(1). Candelas's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3). Candelas failed to allege good cause to overcome the procedural bar. Therefore, we conclude the district court did not err by denying his petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Jose Alberto Candelas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk