

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTICE ALTON-JAMES NALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84927-COA

FILED

DEC 12 2022

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

ORDER OF AFFIRMANCE

Justice Alton-James Nall appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elham Roohani, Judge.

Nall filed his petition on February 7, 2022, more than one year after entry of the judgment of conviction on October 5, 2020.¹ Thus, Nall's petition was untimely filed. *See* NRS 34.726(1). Nall's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

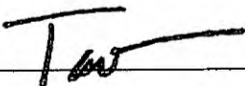
Nall claimed his trial-level counsel's failure to respond to his emails and telephone calls constituted good cause to overcome the procedural bar. Nall failed to demonstrate that an impediment external to the defense excused his delay or that his claims were not reasonably available to be timely filed. Therefore, Nall fails to demonstrate the district

¹Nall did not pursue a direct appeal.

court erred by denying his petition as procedurally barred, *see Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003), and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Elham Roohani, District Judge
Justice Alton-James Nall
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk