


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KHAYREE AMEEN SAAFIR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86964-COA

**FILED**

MAY 28 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Khayree Ameen Saafir appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on February 28, 2022, and a supplemental petition filed on October 25, 2022. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Saafir filed his petition over one year after entry of the judgment of conviction on November 5, 2020.<sup>1</sup> Thus, Saafir's petition was untimely filed. *See* NRS 34.726(1). Saafir's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Saafir claimed he had good cause to overcome the procedural time bar because counsel had only recently turned over his case file. Counsel's failure to send Saafir his case file did not constitute cause for the delay because it did not prevent Saafir from filing a timely petition. *See Hood v. State*, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995). Therefore, we

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<sup>1</sup>Saafir did not appeal from the judgment of conviction.

conclude that Saafir's petition was procedurally time-barred and that the district court did not err by dismissing Saafir's petition.<sup>2</sup> Accordingly,

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Barry L. Breslow, District Judge  
Oldenburg Law Office  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>The district court failed to address the procedural bar and instead denied the petition on the merits. We conclude this was error. *See State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (“Application of the statutory procedural default rules to postconviction habeas petitions is mandatory.”). We nevertheless affirm the district court’s denial of relief for the reasons stated herein. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).