


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOUGLAS CLEMONS,
Appellant,
vs.
CALVIN JOHNSON, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 87332-COA

FILED
AUG 08 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Douglas Clemons appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 29, 2022, and supplemental pleadings. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

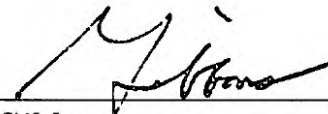
Clemons filed his petition more than one year after entry of the judgment of conviction on May 21, 2021.¹ Thus, Clemons' petition was untimely filed. *See* NRS 34.726(1). Clemons' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* A petitioner's good-cause claims must be supported by specific factual allegations that are not belied by the record and, if true, would entitle the petitioner to have their claims decided on the merits. *See Berry v. State*, 131 Nev. 957, 967, 363 P.3d 1148, 1154-55 (2015).

In his petition, Clemons claimed he had good cause for the delay because he “was not granted access to the law library do [sic] to all restrictions of covid 19 lockdown.” Clemons did not specify what restrictions

¹Clemons did not appeal from the judgment of conviction.

were imposed that prevented him from accessing the law library, when these restrictions were in place, or why his purported inability to access the law library prevented him from timely filing his petition. Thus, Clemons failed to allege specific facts that would demonstrate good cause to overcome the procedural time bar. Accordingly, we conclude the district court did not err by denying the petition,² and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Ronald J. Israel, District Judge
Nevada State Public Defender's Office
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The district court erred in reaching the merits of Clemons' claims without first determining whether the petition was procedurally barred. *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 post-conviction habeas petitions is mandatory."). We nevertheless affirm for the reason stated above. *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).