


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN EAGLES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88582-COA

**FILED**  
FEB 25 2025  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Bryan Eagles appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 16, 2022. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Eagles filed his petition more than four years after issuance of the remittitur on direct appeal on February 21, 2018. *See Eagles v. State*, No. 71154, 2018 WL 678450 (Nev. Jan. 24, 2018) (Order of Affirmance). Thus, Eagles' petition was untimely filed. *See* NRS 34.726(1). Moreover, Eagles' petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>1</sup> *See* NRS 34.810(1)(b)(2); NRS 34.810(3).<sup>2</sup> Eagles' petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS

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<sup>1</sup>*See Eagles v. State*, No. 78606, 2020 WL 3477349 (Nev. June 24, 2020) (Order of Affirmance).

<sup>2</sup>The subsections within NRS 34.810 were recently renumbered. We note the substance of the subsections cited herein was not altered. *See* A.B. 49, 82d Leg. (Nev. 2023).

34.726(1); NRS 34.810(1)(b); NRS 34.810(4). “In order to demonstrate good cause, a petitioner must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

In his petition, Eagles raised a claim that he previously raised in his prior postconviction habeas petition: counsel was ineffective for failing to negotiate with the State to obtain a plea offer that was not contingent upon his codefendant’s decision to accept a plea deal.<sup>3</sup> Eagles contended he had good cause for raising this claim again because both the district court and postconviction counsel ignored it the first time he raised it. Eagles also contended he had good cause for raising his remaining claims because postconviction counsel failed to raise them in his prior petition.

In his appeal from the district court’s denial of his first postconviction habeas petition, Eagles did not argue the district court failed to address any claim. *See Eagles*, No. 78606, 2020 WL 3477349. But even assuming the district court’s failure to address a claim could constitute good cause, Eagles filed the instant petition more than three years after the district court entered its order denying his prior postconviction habeas petition without alleging cause for this delay. *See Hathaway*, 119 Nev. at 252, 71 P.3d at 506 (recognizing a good-cause claim itself must not be procedurally defaulted). Thus, he did not present this good-cause claim within a reasonable time of it becoming available. *See Ripppo v. State*, 134 Nev. 411, 422, 423 P.3d 1084, 1097 (2018) (concluding that a claim is raised

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<sup>3</sup>Although Eagles raised this claim in his prior pro se petition, counsel did not address this claim in the supplement to that petition, and the district court did not address this claim in its order denying that petition.

within a reasonable time when the petition is filed within one year after the factual or legal basis for the claim becomes available).

To the extent Eagles suggested the delay was attributable to the ineffective assistance of postconviction counsel or argued postconviction counsel's failure to raise certain claims in his prior petition constituted good cause to raise the claims in his instant petition, he has not shown good cause to excuse the procedural bars because he did not have a right to postconviction counsel. *See Brown v. McDaniel*, 130 Nev. 565, 569, 331 P.3d 867, 870 (2014) ("We have consistently held that the ineffective assistance of post-conviction counsel in a noncapital case may not constitute 'good cause' to excuse procedural defaults."); *see also McKague v. Whitley*, 112 Nev. 159, 164-65, 912 P.2d 255, 258 (1996). Therefore, we conclude the district court did not err by rejecting Eagles' good-cause claims.<sup>4</sup>

On appeal, Eagles argues the procedural bars should be excused because a fundamental miscarriage of justice would result if his claims were not heard on the merits. Eagles did not contend in his petition that he was actually innocent such that a fundamental miscarriage of justice would result were his claims not heard on the merits, *see Berry v. State*, 131 Nev. 957, 966, 363 P.3d 1148, 1154 (2015), and we decline to consider this claim on appeal in the first instance, *see State v. Wade*, 105 Nev. 206, 209 n.3, 772

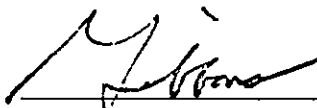
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<sup>4</sup>The district court determined Eagles demonstrated good cause with respect to one of his substantive claims because postconviction counsel failed to raise the claim in the prior petition. This determination was erroneous. *See Brown*, 130 Nev. at 569, 331 P.3d at 870. Nonetheless, we affirm the district court's order because it reached the correct result. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 33, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

P.2d 1291, 1293 n.3 (1989). Accordingly, we conclude the district court did not err by denying Eagles' petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Erika D. Ballou, District Judge  
Federal Public Defender/Las Vegas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk