

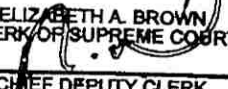
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL VICTOR LANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90482-COA

FILED

NOV 26 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Victor Lane appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 3, 2025. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Lane filed his postconviction habeas petition more than nine years after his judgment of conviction was entered on June 3, 2015.¹ Thus, Lane's petition was untimely filed. *See* NRS 34.726(1). Further, Lane's petition constituted an abuse of the writ as he raised a claim new and different from those raised in his previous postconviction habeas petition.² *See* NRS 34.810(3). Lane's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(4).

In his petition, Lane appeared to assert that he had good cause and prejudice sufficient to overcome the procedural bars based on his

¹No direct appeal was taken.

²*See Lane v. State*, No. 89895-COA, 2025 WL 2169230 (Nev. Ct. App. July 30, 2025) (Order of Affirmance).

mental health issues and organic brain damage. However, Lane's mental impairments do not constitute good cause for the filing of a procedurally barred postconviction habeas petition. *See Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding a petitioner's claims of, inter alia, organic brain damage, borderline mental disability, and reliance on assistance of inmate law clerk unschooled in the law did not constitute good cause for the filing of a procedurally barred postconviction petition), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003). Therefore, we conclude the district court did not err by denying Lane's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jacqueline M. Bluth, District Judge
Michael Victor Lane
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk