

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS RICHARD GOEPNER,
Appellant,
vs.
WARDEN HENLEY AND THE STATE
OF NEVADA,
Respondents.

No. 90814-COA

FILED

DEC 16 2025

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

ORDER OF AFFIRMANCE

Thomas Richard Goepner appeals from a district court order granting a motion to dismiss a postconviction petition for a writ of habeas corpus filed on January 7, 2025. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Goepner filed his petition more than five years after issuance of the remittitur on direct appeal on August 20, 2019. *See Goepner v. State*, No. 75363, 2019 WL 3484156 (Nev. July 24, 2019) (Order of Affirmance). Thus, Goepner's petition was untimely filed. *See* NRS 34.726(1). Goepner's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

In his petition, Goepner did not allege good cause to overcome the procedural bar. *See Chappell v. State*, 137 Nev. 780, 787, 501 P.3d 935, 949 (2021) (providing that “a petitioner’s explanation of good cause and prejudice for each procedurally barred claim must be made on the face of the petition”). And we decline to consider in the first instance his arguments on appeal to overcome the procedural bar. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). Therefore, we

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conclude the district court did not err by dismissing the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Thomas Richard Goepner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk