FILED
Aug 26 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA JAMES OLSON, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 91563-COA

ORDER OF AFFIRMANCE

Joshua James Olson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 10, 2024. Eighth Judicial District Court, Clark County; Hon. Tara D. Clark Newberry, Judge.

Olson filed his petition more than two years after entry of the judgment of conviction on September 7, 2022.[1] Thus, Olson's petition was untimely filed. *See* NRS 34.726(1). Olson's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* "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). "An impediment external to the defense may be demonstrated by a showing that the factual or legal basis for a claim was not reasonably available to counsel, or that some interference by officials, made compliance impracticable." *Id.* (internal quotation marks omitted).

[1]Olson did not pursue a direct appeal.

In his petition, Olson argued he had good cause for the delay because he was "so malnourished and drugged out severely" that he did not know "what to do." Olson alleged he "went on a year long methamphetamine binge during the pandemic/after" and that it took him "longer than a year and half in prison to get [his] head back."

Olson failed to demonstrate that any side effects stemming from his alleged malnourishment or drug use were an impediment external to the defense. *See Phelps v. Dir., Nev. Dep't. of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding a petitioner's claim of organic brain damage, borderline mental disability, and reliance on the assistance of an inmate law clerk unschooled in the law did not constitute good cause for the filing of a procedurally barred postconviction habeas petition), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003). Further, even assuming this claim could constitute good cause, Olson failed to identify a specific time when he adequately recovered from the side effects related to his alleged malnourishment or drug use such that he was able to file his petition and thus failed to allege sufficient facts to demonstrate good cause for the entire length of his delay. For these reasons, we conclude the district court did not err by denying Olson's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Tara D. Clark Newberry, District Judge
Attorney General/Carson City
Clark County District Attorney
Joshua James Olson
Eighth District Court Clerk