

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL EUSTICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57120

FILED

MAR 10 2011

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

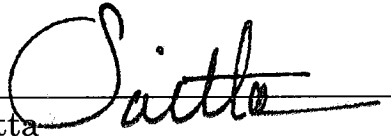
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.


Appellant filed his petition on April 30, 2010, more than one year after entry of the judgment of conviction on January 29, 2009. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id. Appellant failed to demonstrate an impediment external to the defense excused the delay in filing his petition. Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003).

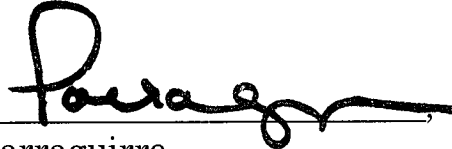
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Therefore, we conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Saitta

 J.
Hardesty

 J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Michael Eustice
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk