

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE R. LANDRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57713

FILED

JUL 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

Appellant filed his petition on October 22, 2010, more than 2 years after entry of the judgment of conviction on August 26, 2008.² Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of cause for the delay and undue prejudice.³ See NRS

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).

²No direct appeal was taken.

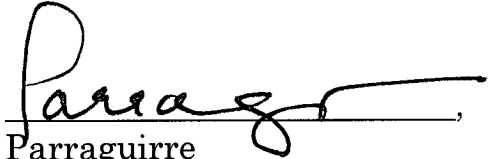
³The district court correctly construed the petition to be a post-conviction petition for a writ of habeas corpus because appellant challenged the validity of the judgment of conviction and sentence. NRS 34.724(2)(b). We further conclude that the district court did not err in denying his request for a writ of mandamus or declaratory judgment. NRS 34.170.

34.726(1). Appellant provided no explanation for his delay. Further, appellant's claim that his prosecution violated NRS 171.070, was outside the scope of claims permissible in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based on a guilty plea. NRS 34.810(1)(a). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Linda Marie Bell, District Judge
Terrance R. Landry
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk