

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABDUL HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63599

FILED

JAN 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

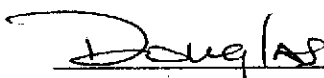
In his petition filed on March 27, 2013, appellant challenged the validity of his August 11, 2003, judgment of conviction. We conclude that the district court did not err in denying the petition because appellant was not in custody in the case designated when he filed the petition. *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999); *see also* Nev. Const. art. 6, § 6(1) (providing that the district courts may issue a writ of habeas corpus on petition by "any person who is held in actual custody in their respective districts, or who has suffered a criminal conviction in their respective districts and has not completed the sentence imposed pursuant to the judgment of conviction"). Moreover, as a separate and independent ground to deny relief, we conclude that the petition was procedurally

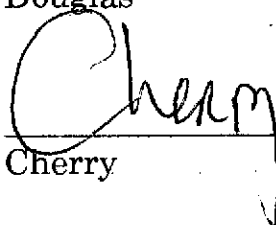
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

barred and without good cause and also barred by laches. See NRS 34.726(1); NRS 34.800(2); *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, J.
Hardesty

, J.
Douglas

, J.
Cherry

cc: Hon. Douglas Smith, District Judge
Abdul Howard
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk