

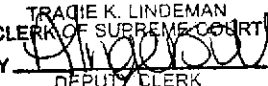
IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO RICHARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64342

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DISMISSING APPEAL AND DIRECTING DISTRICT COURT
TO RESOLVE PETITION FOR A WRIT OF HABEAS CORPUS*

This is a proper person appeal from an order denying a petition for permission to file a second petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.


On June 11, 2013, appellant filed a post-conviction petition for a writ of habeas corpus and a petition for permission to file a second petition for a writ of habeas corpus. On October 22, 2013, and on November 4, 2013, the district court denied permission to file a second petition, and appellant appealed from that decision.

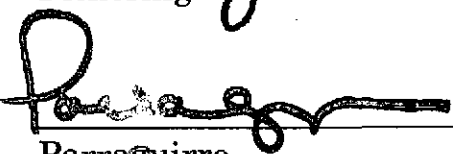
No statute or court rule permits an appeal from an order denying a petition for permission to file a second petition, and thus, we lack jurisdiction over this appeal. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). This appeal therefore is dismissed.

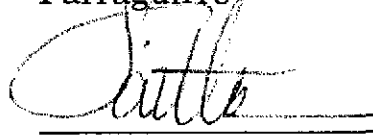
However, we note that no permission is required to file a second petition for a writ of habeas corpus. Rather, appellant must demonstrate good cause and prejudice to overcome the procedural defects. *See* NRS 34.726(1); NRS 34.810(2). Thus, because the October 22, 2013, order did not finally resolve the June 11, 2013, petition for a writ of

habeas corpus, the June 11, 2013, petition for a writ of habeas corpus remains pending in the district court. As the documents before this court indicate that a response was ordered, and the State filed a motion to dismiss the petition, we direct the district court to enter an order resolving the June 11, 2013, post-conviction petition for a writ of habeas corpus as expeditiously as the court's calendar permits.

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
Antonio Richard
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk