

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUSTIN ALAN ANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67513

FILED

AUG 05 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Dustin Anderson's post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.


The district court denied Anderson's petition, finding that the petition was not timely filed and Anderson failed to establish good cause for the delay in filing the petition. NRS 34.726(1). We conclude the district court did not err by denying the petition as untimely filed.


A post-conviction petition for a writ of habeas corpus that challenges the judgment of conviction must be filed within one year after issuance of the remittitur on direct appeal. *Id.* Anderson filed his petition on November 25, 2014, one year and ten days after issuance of the remittitur on direct appeal on November 15, 2013. *Anderson v. State*, Docket No. 62522 (Order of Affirmance, October 17, 2013). Although

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

Anderson delivered his petition to a prison official for filing on November 13, 2014, within the one-year time limit, the prison mailbox rule does not apply to the filing of post-conviction habeas petitions. *Gonzales v. State*, 118 Nev. 590, 595, 53 P.3d 901, 904 (2002). Further, Anderson's lack of knowledge about the law and his limited legal resources did not constitute good cause to excuse the untimely filing. *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Douglas Smith, District Judge
Dustin Alan Anderson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents Anderson has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Anderson has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.