

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NICOLE CHRISTINE FOLLOWILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72731

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nicole Christine Followill appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on September 21, 2016.¹ Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Followill's petition was filed more than one year after the remittitur on direct appeal was issued on June 15, 2015;² consequently, it was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Followill claims the district court erred by dismissing her petition because she did not have reasonable access to the prison law library and the prison law library was inadequate. However, Followill did not raise these good-cause claims in her petition, and we decline to consider them for the first time on appeal. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²*See Followill v. State*, Docket No. 67041 (Order Affirming in Part, Reversing in Part and Remanding, May 18, 2015).

1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d. 25, 33 (2004).

We conclude the district court did not err by dismissing Followill's procedurally barred habeas petition, *see* NRS 34.726(1); *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (explaining the application of procedural bars is mandatory), and we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao

cc: Hon. Thomas W. Gregory, District Judge
Nicole Christine Followill
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

³The Honorable Michael Gibbons did not participate in the decision in this matter.