

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAMIRO GALICIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74880-COA

**FILED**

NOV 06 2018

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

*ORDER OF AFFIRMANCE*

Ramiro Galicia appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 4, 2017.<sup>1</sup> Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Galicia filed his petition more than 10 years after entry of the judgment of conviction on June 7, 2007. No direct appeal was taken. Galicia's petition was therefore untimely filed. *See* NRS 34.726(1). Galicia's petition was also successive insofar as he reraised claims he raised in his first postconviction habeas petition, and it constituted an abuse of the writ insofar as he raised claims new and different from those raised in that

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<sup>1</sup>Galicia's pleading was entitled "request for certificate of probable cause to appeal for a writ of habeas corpus under 28 USC § 2254." As Galicia was challenging the validity of his guilty plea and claiming counsel was ineffective, the district court properly construed the document as a postconviction habeas petition. *See* NRS 34.724(2)(b).

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

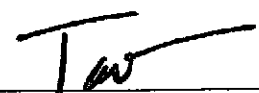
previous petition.<sup>2</sup> See NRS 34.810(2). Galicia's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

Galicia did not allege he had good cause to excuse his procedural bars. We therefore conclude the district court did not err by denying Galicia's petition as procedurally barred. We further conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. \_\_\_, \_\_\_, 391 P.3d 760, 760-61 (2017). To the extent Galicia attempts to raise new arguments in his informal brief before this court, we decline to consider those arguments on appeal in the first instance. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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<sup>2</sup>See *Galicia v. State*, Docket No. 54337 (Order of Affirmance, November 8, 2010).

<sup>3</sup>The Honorable Michael P. Gibbons did not participate in the decision in this matter.

cc: Hon. Thomas W. Gregory, District Judge  
Ramiro Galicia  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk