

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICK SIGMON GALLOWAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74866

FILED

SEP 14 2018

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

ORDER OF AFFIRMANCE

Roderick Sigmon Galloway appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.


Galloway filed his petition on June 22, 2017, more than one year after entry of the judgment of conviction on June 20, 2016. Thus, Galloway's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1); *Gonzales v. State*, 118 Nev. 590, 595-96, 53 P.3d 901, 904 (2002) (holding that a petition filed a few days late was untimely). “Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory.” *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005).


Galloway did not attempt to provide cause for the delay. Accordingly, Galloway failed to meet his burden to overcome the procedural bar. *See* NRS 34.726(1) (explaining the petitioner has the burden to


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

demonstrate cause for the delay); *State v. Haberstroh*, 119 Nev. 173, 181, 69 P.3d 676, 681 (2003). Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Roderick Sigmon Galloway
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk