

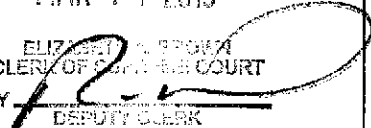
IN THE SUPREME COURT OF THE STATE OF NEVADA

KYLE CLAYTON RAY,
Appellant,
vs.
JERRY HOWELL, WARDEN; STATE
OF NEVADA,
Respondents.

No. 76868

FILED

MAR 14 2019

ELIZABETH S. STOKA
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Eleventh Judicial District Court, Lander County; Jim C. Shirley, Judge.

Appellant filed his petition on June 4, 2018, more than 17 years after issuance of the remittitur on direct appeal on December 12, 2000. *Ray v. State*, Docket No. 34398 (Order of Affirmance, November 14, 2000). Thus, appellant's petition was untimely and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Appellant argued that his due process and equal protection rights were violated because ameliorative legislative changes in 2007 to NRS 193.165 and the adoption of NRS 213.12135 in 2015 have not been applied to him. Appellant offered no statement as to why he waited years

¹Having considered the pro se brief filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. *See* NRAP 34(f)(3).

after those changes to file his petition. Thus, appellant failed to demonstrate cause for the delay and the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Jim C. Shirley, District Judge
Kyle Clayton Ray
Attorney General/Carson City
Lander County Clerk