

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA JACK SHALOM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76957-COA

FILED

JUL 09 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Joshua Jack Shalom 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.

Shalom filed his petition on March 28, 2018, more than two years after entry of the judgment of conviction on February 24, 2016. Thus, Shalom's petition was untimely filed.² See NRS 34.726(1). Shalom's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

First, Shalom claimed he had cause for his delay because he was detained in a segregated housing unit without proper access to legal materials. Shalom failed to demonstrate lack of access to a law library or legal materials deprived him of meaningful access to the courts. See *Lewis*

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

²Shalom did not pursue a direct appeal.


v. Casey, 518 U.S. 343, 351 (1996) (“an inmate cannot establish relevant actual injury simply by establishing that his prison’s law library or legal assistance program is subpar in some theoretical sense”). In his petition, Shalom alleged he first learned about his legal options from inmates also held in the segregated housing unit and it was due to those inmates’ advice that he attempted to pursue postconviction relief. He asserted he requested legal materials from officials while in segregated housing at High Desert State Prison, but that he was unable to obtain the materials until he was transferred to Ely State Prison at some later date. However, Shalom did not state when he was transferred to the segregated housing unit or explain why he failed to pursue postconviction relief prior to his assignment to the segregated housing unit. Because Shalom failed to support his good-cause claim with factual allegations sufficient to explain his entire delay, he was not entitled to relief. *See id.* (a prisoner must “demonstrate that the alleged shortcomings in the library or legal assistance program hindered his efforts to pursue a legal claim.”); *see also Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984) (holding that “bare” or “naked” claims are insufficient to grant relief).

Second, Shalom argues the district court erred by denying his petition without permitting him the opportunity to file an amended petition. The district court has broad authority to permit or deny a petitioner to file supplemental pleadings. *See NRS 34.750(5); State v. Powell*, 122 Nev. 751, 758, 138 P.3d 453, 457-58 (2006). Shalom filed a motion requesting to amend his petition, but the district court denied his request. Based on the

record before this court, we conclude Shalom failed to demonstrate the district court abused its discretion in this regard. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Joshua Jack Shalom
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We 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. 75, 76, 391 P.3d 760, 760-61 (2017).