

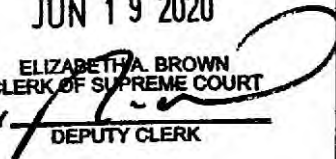
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEONARD MORGAN HAIRSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79026-COA

FILED

JUN 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Leonard Morgan Hairston appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 1, 2018. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

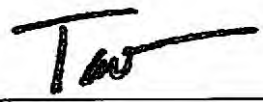
Hairston's petition was untimely because it was filed more than two years after the remittitur on direct appeal was issued on April 19, 2016.¹ See NRS 34.726(1). Consequently, Hairston's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.* Hairston made no attempt to demonstrate good cause; therefore, the district court did not err by denying his petition as procedurally barred. See *State v. Eighth Judicial Dist. Court (Riker)*, 121

¹See *Hairston v. State*, Docket No. 68404-COA (Order of Affirmance, March 16, 2016). Hairston did not pursue appeals from the amended judgment of conviction entered on October 4, 2016, and the second amended judgment of conviction entered on April 2, 2018. See generally *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2009) (concluding the statutory time limit for filing a postconviction petition for a writ of habeas corpus does not automatically restart simply because the district court entered an amended judgment of conviction).

Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (explaining that the application of procedural bars is mandatory). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carolyn Ellsworth, District Judge
Leonard Morgan Hairston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk