

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIHAD ANTHONY ZOGHEIB,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 81147-COA

**FILED**

SEP 13 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jihad Anthony Zogheib appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Zogheib argues the district court erred by denying his July 30, 2019, petition in which he raised claims concerning his probation revocation proceedings. Zogheib filed his petition more than two years after issuance of the remittitur on direct appeal on March 28, 2017, from the district court order revoking probation and third amended judgment of conviction. *See Zogheib v. State*, Docket No. 70144-COA (Order of Affirmance, February 23, 2017). Thus, Zogheib's petition was untimely filed. *See* NRS 34.726(1); *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004). Zogheib's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).


Zogheib argues for the first time in his reply brief on appeal that he has good cause because the district court improperly struck previously filed postconviction petitions. We decline to consider arguments not raised in the district court in the first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). And we decline to consider

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arguments raised for the first time in a reply brief. See NRAP 28(c); *Browning v. State*, 120 Nev. 347, 368 n.53, 91 P.3d 39, 54 n.53 (2004). Accordingly, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jerry A. Wiese, District Judge  
AMD Law, PLLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>The district court improperly reached the merits of Zogheib's claims. See *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) ("Application of the statutory procedural default rules to postconviction habeas petitions is mandatory."). We nevertheless affirm the district court's order because it reached the correct result. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).