

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LEE MONROE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69969

**FILED**

SEP 21 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court dismissing a postconviction petitions for a writ of habeas corpus.<sup>1</sup> Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Appellant Anthony Monroe filed his petitions on January 27, 2016, and January 29, 2016,<sup>2</sup> within one year of the issuance of the remittitur on direct appeal on February 11, 2015. *Monroe v. State*, Docket No. 65591 (Order of Affirmance, January 15, 2015). Thus, Monroe's petitions were timely filed. See NRS 34.726(1). However, Monroe's petitions were successive because he had previously filed a postconviction petition for a writ of habeas corpus, and they constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>3</sup> See NRS 34.810(1)(b)(2); NRS 34.810(2). Monroe's

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

<sup>2</sup>The petitions were identical.

<sup>3</sup>See *Monroe v. Baca*, Docket No. 68332 (Order of Affirmance, January 21, 2016).

petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(1)(b); NRS 34.810(3).

Monroe did not allege good cause in his petitions filed below. On appeal, Monroe asserts his petitions were not successive and he did not need to demonstrate good cause because his first petition challenged the computation of time served. However, Monroe's prior petition did not challenge the computation of time served. Instead, it challenged the amount of presentence credit awarded, which is a challenge to the judgment of conviction. See *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Because Monroe failed to demonstrate good cause to overcome the procedural bar, we conclude the district court did not err in dismissing the petitions as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

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

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

  
\_\_\_\_\_, J.  
Silver

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<sup>4</sup>We conclude Monroe fails to demonstrate the district court abused its discretion by denying his motion to appoint counsel or by failing to allow him to respond to the State's opposition to his motion to appoint counsel. See NRS 34.750(1).

cc: Hon. Lynne K. Simons, District Judge  
Anthony Lee Monroe  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk