

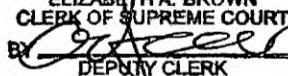
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MACK C. MASON,
Appellant,
vs.
FERNANDIES FRAZIER, WARDEN;
NNCC; AND THE STATE OF NEVADA,
Respondents.

No. 86550-COA

FILED

FEB 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

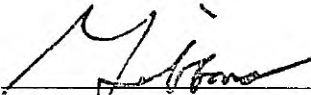
Mack C. Mason appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 9, 2022. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Mason filed his petition more than 20 years after issuance of the remittitur on direct appeal on September 3, 2002. *See Mason v. State*, 118 Nev. 554, 51 P.3d 521 (2002). Thus, Mason's petition was untimely filed. *See* NRS 34.726(1). Moreover, Mason's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petitions.¹ *See* NRS 34.810(1)(b)(2); NRS 34.810(3). Mason's petition was

¹*See Mason v. State*, No. 75285-COA, 2019 WL 1313353 (Nev. Ct. App. Mar. 20, 2019) (Order of Affirmance); *Mason v. State*, No. 71296-COA, 2017 WL 11489248 (Nev. Ct. App. May 16, 2017) (Order of Affirmance); *Mason v. State*, No. 58517, 2011 WL 5826550 (Nev. Nov. 17, 2011) (Order of Affirmance). Mason voluntarily dismissed the petition he filed in the

procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(4). Mason failed to allege good cause or prejudice to overcome the procedural bars. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Michelle Leavitt, District Judge
Mack C. Mason
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

district court on September 5, 2002, and he did not appeal from the district court order denying the petition he filed on January 23, 2003.