

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL COHEN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
NANCY M. SAITTA, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 43414

FILED

JUN 25 2004

JANETIE M. BLOTT
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION


This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling the district court to reverse its decision regarding petitioner's motion for reconsideration and conduct an evidentiary hearing to determine if petitioner demonstrated good cause to excuse an untimely habeas petition.

We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Petitioner has an adequate legal remedy to

challenge the denial of his habeas corpus petition in the appeal pending in this court in Docket No. 43143.¹ Accordingly, we

ORDER the petition DENIED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Nancy M. Saitta, District Judge
Russell Cohen
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹See NRS 34.170.