

IN THE SUPREME COURT OF THE STATE OF NEVADA

LIONEL FRED TATE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,

Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 54434

**FILED**

**OCT 05 2009**

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

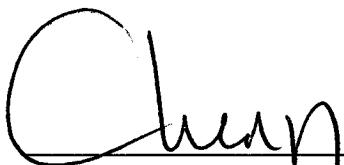
ORDER DENYING PETITION

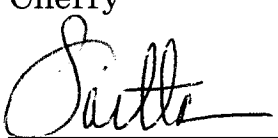
This is a proper person petition for a writ of prohibition or mandamus. Petitioner seeks an order compelling the district court to allow him to file a delayed direct appeal, rather than a petition for a writ of habeas corpus raising any issues that appellant could have raised on direct appeal pursuant to the Lozada remedy. Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). We have considered the documents before this court, and we conclude that this court's intervention in this matter is not


warranted. See NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330.

Accordingly, we

ORDER the petition DENIED.

  
Cherry J.

  
Saitta J.

  
Gibbons J.

cc: Lionel Fred Tate  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk