

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE LEE
A. GATES, DISTRICT JUDGE,
Respondents,
DAVID RAY SMITH,
Real Party in Interest.

No. 40552

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J. Richard
CLERK OF SUPREME COURT

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges the respondent district court's decision to schedule an evidentiary hearing on a post-conviction petition for a writ of habeas corpus. Having reviewed the petition, we have determined that this court's intervention by way of extraordinary writ is not warranted at this time. Accordingly, we deny the petition.

It is so ORDERED.

Young _____, C.J.
Young

Rose _____, J.
Rose

Agosti _____, J.
Agosti

cc: Hon. Lee A. Gates, District Judge
Attorney General/Carson City
Clark County District Attorney
Gary E. Gowen
Clark County Clerk