

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. SAKAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41623

FILED

JUL 15 2003

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court granting appellant relief in a post-conviction petition for a writ of habeas corpus. This court's review of this appeal reveals a jurisdictional defect.

On November 19, 2002, the district court entered a written order granting appellant relief in a post-conviction petition for a writ of habeas corpus on the ground that appellant had been deprived of a direct appeal.¹ The district court's order concludes that appellant may file a petition for a writ of habeas corpus raising direct appeal issues.

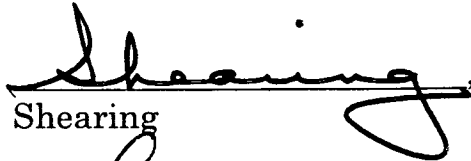
The district court's November 19, 2002 order is not a final order in the instant case. Appellant's proceedings are ongoing as he may now pursue his direct appeal claims pursuant to the remedy set forth in Lozada v. State.² Appellant may appeal from any final, written order of


¹The documents before this court indicate that appellant is represented by post-conviction counsel in the proceedings in the district court.

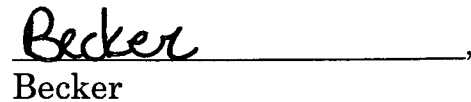
²110 Nev. 349, 871 P.2d 944 (1994).

the district court resolving the proceedings in the district court.³
Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Michael A. Sakay
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Christina Hinds, Esq.
Clark County Clerk

³See NRS 34.575; NRS 177.015(3).