

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JAMES COOPER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42727

FILED

JUN 03 2004

NEVADA  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF REMAND

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of a habeas corpus. On May 7, 2004, this court entered an order deferring a decision on appellant's motion to dismiss this appeal and requesting the district court to report the status of the proceedings below.<sup>1</sup> On May 19, 2004, the district court filed a responsive order.


Having reviewed the district court's response, we have concluded that a remand for further proceedings on certain claims presented in appellant's petition is warranted. Accordingly, we grant appellant's motion to voluntarily dismiss this appeal, and we remand this appeal to the district court without prejudice to appellant's right, if aggrieved, to file a timely, separate notice appeal from any forthcoming order of the district court finally resolving appellant's claims.

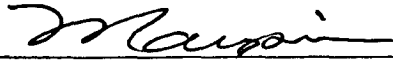
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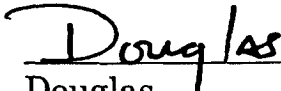
<sup>1</sup>We deny as moot appellant's proper person motion for reconsideration received in this court on May 26, 2004.

This order shall constitute our final resolution of this appeal.  
Any subsequent appeal shall be docketed as new and separate proceeding.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Sally L. Loehrer, District Judge  
Michael James Cooper  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk