

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELARIAN K. WILSON A/K/A
DELARIAN KAMERON WILSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52104

FILED

SEP 07 2010

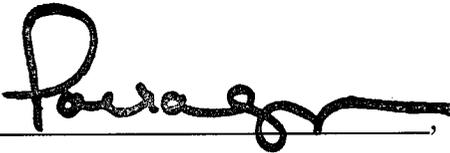
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

Appellant has submitted a proper person motion asking this court to “grant . . . an extension of time to his remittitur” so that he has more time to file a post-conviction petition for a writ of habeas corpus under NRS chapter 34. Although appellant was represented in this matter and has not sought leave to file documents in proper person, see NRAP 46(b), we direct the clerk of this court to file the motion received on August 27, 2010. This court entered its decision in this matter on July 7, 2009, and the remittitur issued on August 4, 2009; this appeal therefore is closed. Appellant has not asserted any grounds that would warrant a recall of the remittitur, see Wood v. State, 60 Nev. 139, 104 P.2d 187 (1940), and we cannot extend the time for filing a post-conviction petition for a writ of habeas corpus under NRS chapter 34, see State v. Haberstroh, 119 Nev. 173, 69 P.3d 676 (2003); rather, appellant must file an appropriate petition in the district court and, if the petition is untimely, allege and prove good cause for the delay and prejudice to overcome the

procedural bar as provided in NRS 34.726.¹ Accordingly, appellant's motion is denied.

It is so ORDERED.


_____, C.J.

cc: Attorney General/Carson City
Clark County District Attorney
Oronoz Law Offices
Delarian K. Wilson

¹We express no opinion as to whether appellant can overcome any procedural bars that may apply to such a petition.