

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELVIN L. SPANN,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43564

FILED

AUG 13 2004

ORDER DENYING PETITION

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


This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling the district court to respond to his motion to correct an illegal sentence. Alternatively, petitioner seeks an order directing the district court to comply with the relief sought in the motion. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ We are confident that the district court will

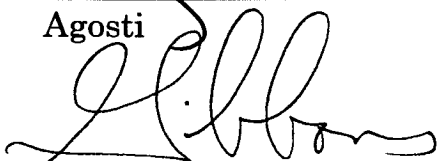
¹See NRS 34.160.

resolve all pending matters as expeditiously as the court's calendar permits.² Accordingly, we

ORDER the petition DENIED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Jerome Polaha, District Judge
Kelvin L. Spann
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²Although petitioner submitted a copy of his motion to correct an illegal sentence as an attachment to the instant petition, the motion is not file-stamped. Thus, it is unclear from the documents before this court that the motion was actually filed in the district court.