

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MATTHEW VERA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, THE HONORABLE  
MICHELLE LEAVITT, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 45145

**FILED**

JUN 29 2005

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

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. In a prior matter, Docket No. 43552, Vera claimed that he had filed a post-conviction petition for a writ of habeas corpus in the district court on September 7, 2001, and that the district court had not yet resolved his habeas corpus petition. After receiving a response from the State that the petition had been orally denied, this court determined that Vera had set forth an issue for which there was no adequate legal remedy and granted

Vera's petition for a writ of mandamus.<sup>1</sup> This court issued a writ of mandamus directing the district court to enter a written order containing specific findings of fact and conclusions of law resolving Vera's September 7, 2001 habeas corpus petition within 60 days from the date of that order.<sup>2</sup> The documents before this court indicate that the writ was served by mail on Judge Michelle Leavitt on November 8, 2004.

Vera has filed the instant petition for a writ of mandamus seeking enforcement of this court's prior writ of mandamus. Vera notes that the district court has not entered a written order as directed by this court. Petitioner further seeks that sanctions be imposed for noncompliance.

It did not appear from the documents before this court that Judge Leavitt had complied with this court's November 8, 2004 writ of mandamus. Thus, this court ordered the State to show cause why this court should not grant the petition to enforce this court's November 8, 2004 writ of mandamus. On June 9, 2005, the State filed a response. The State asserts that the district court entered a written order on May 11, 2005, and that notice of entry was served on May 19, 2005. In support of


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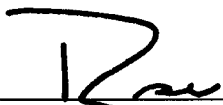
<sup>1</sup>Vera v. District Court, Docket No. 43552 (Order Granting Petition for Rehearing and Granting Writ of Mandamus, November 8, 2004).

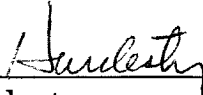
<sup>2</sup>See NRS 34.830. The final order was to address all of the unresolved proper person documents submitted by Vera during the post-conviction proceedings.

this assertion, the State attached a file-stamped copy of the written order. Having reviewed the documents before this court, we conclude that the issue presented in this petition is moot and that sanctions are not warranted. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Becker

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

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Michelle Leavitt, District Judge  
John Matthew Vera  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk