

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY HOYT,  
Petitioner,  
vs.  
SHERIFF, WASHOE COUNTY,  
Respondent.

No. 45704

**FILED**

SEP 26 2005

ORDER DENYING PETITION

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

On August 5, 2005, petitioner filed a petition for a writ of habeas corpus in this court. In his petition, petitioner asserted that he had submitted for filing a petition for a writ of habeas corpus in the district court.<sup>1</sup> Petitioner asserted that although the district court had file-stamped the petition, the district court had not assigned the petition a case number. Consequently, he argued that the petition had not been considered by the district court.

In reviewing the documents submitted by petitioner, it was unclear whether petitioner had in fact submitted a petition for filing in the district court, whether the petition was filed in the district court, and whether the petition was assigned a case number in the district court. This court directed the State to inform this court: (1) if a petition had been submitted for filing; (2) if the petition was filed, on what date was it filed in the district court; and (3) if the petition was filed, under what case number was the petition docketed.

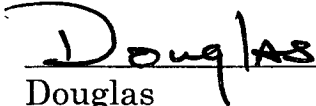
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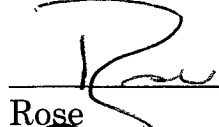
<sup>1</sup>The petition challenges a pending arrest warrant that petitioner claims has been used to deny him a change in custody status in the Department of Corrections.

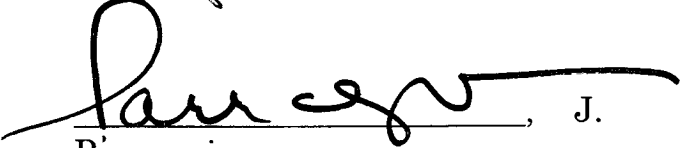
On September 2, 2005, the State filed a timely response. The State first noted that the instant petition was not served on the Washoe County District Attorney's Office. Nonetheless, the State was able to provide a response to this court's specific inquiries. The State has informed this court that the habeas corpus petition was filed in the district court on November 24, 2004, but that it was inadvertently transmitted to the Reno Justice's Court, and thus, no district court case number was assigned to the petition. However, the habeas corpus petition has been transmitted back to the district court where it was docketed in district court case number CR05-1974, and it appears that it has been assigned to Department 10 of the Second Judicial District Court for resolution.

Having reviewed all of the documents submitted before this court, we conclude that no further action is required by this court at this time. We are confident that the district court will resolve all pending matters as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>We have received all proper person documents submitted in this matter, and we conclude no relief is warranted for the reasons set forth above.

cc: Hon. Steven P. Elliott, District Judge  
Timothy Hoyt  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk