

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARRY DODD JIM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48436

HARRY DODD JIM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48629

**FILED**

APR 09 2007

ORDER

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

These are appeals from the same "Findings of Fact, Conclusions of Law and Judgment" denying Harry Dodd Jim's post-conviction petition for writ of habeas corpus. The appeal in Docket No. 48436 was docketed upon receipt of the notice of appeal filed by appellant's counsel, Ian E. Silverberg. When appellant filed a proper person notice of appeal from the same district court judgment, it was inadvertently docketed as a separate appeal in Docket No. 48629. Thereafter, this court treated these appeals as two separate matters. However, it appears that Mr. Silverberg did not notice the different docket numbers on the documents sent to him by this court and assumed there was a single appeal from the district court judgment pending in this court.

As the appeal in Docket No. 48436 was docketed in this court on November 21, 2006, the fast track statement was due to be filed no later than January 2, 2007. NRAP 3C(e). Because the fast track

statement had not yet been filed, on January 26, 2007, this court entered an order in Docket No. 48436 directing Mr. Silverberg to file and serve the fast track statement and appendix by February 5, 2007, or show cause why he should not be sanctioned.

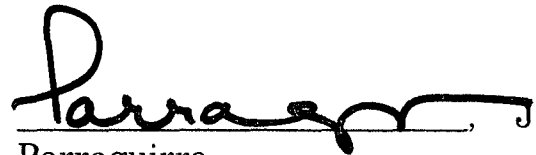
In apparent response to our January 26, 2007, order, Mr. Silverberg submitted a fast track statement and appendix to this court on February 2, 2007. However, the documents were labeled with Docket No. 48629 and were accordingly filed in that docket number. Respondent filed a fast track response in Docket No. 48629 on February 12, 2007.

Because no fast track statement had been filed in Docket No. 48436, on March 5, 2007, this court entered an order in that appeal imposing sanctions on Mr. Silverberg and directing him to file and serve the fast track statement by March 15, 2007. Thereafter, Mr. Silverberg contacted this court by telephone inquiring why he had been sanctioned for not filing a fast track statement when he had indeed filed one. It was then that it was discovered that there were two docket numbers involving an appeal from the same district court judgment.

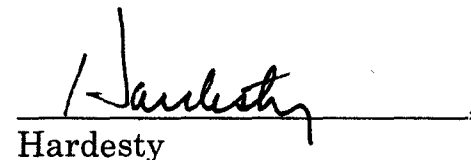
In light of the foregoing, we vacate our March 5, 2007, order in Docket No. 48436. Mr. Silverberg is no longer required to pay sanctions or provide proof of payment of such sanctions, nor is he required to file another fast track statement. We remind Mr. Silverberg to carefully check docket numbers on documents received from this court and to ensure that documents are filed in the proper docket number. If any questions or concerns regarding possible duplicative appeals arise, Mr. Silverberg should so inform this court in writing immediately. We also direct the

clerk to administratively close the appeal in Docket No. 48629 and transfer all documents filed or received in Docket No. 48629 to Docket No. 48436.

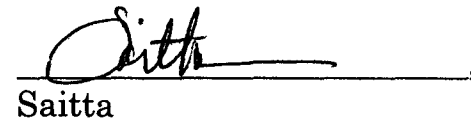
It is so ORDERED.

 J.

Parraguirre

 J.

Hardesty

 J.

Saitta

cc: Hon. Steven R. Kosach, District Judge  
Hardy & Associates  
Ian E. Silverberg  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Supreme Court Law Librarian