

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACY FRANK, AN INDIVIDUAL,
Appellant,
vs.
THE STATE OF NEVADA,
DEPARTMENT OF MOTOR VEHICLES,
Respondent.

No. 51657

FILED

AUG 26 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a petition for a writ of mandamus in an administrative action. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

The order being appealed required respondent State of Nevada, Department of Motor Vehicles to issue a written opinion explaining why appellant Stacy Frank was denied a license to conduct emissions testing at her two places of business. Following that order, the State conducted an administrative hearing and Frank then filed a petition for judicial review of the administrative decision resulting from that hearing in Eighth Judicial District Court Case No. A573815.

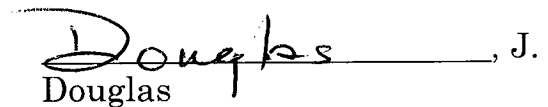
Frank subsequently filed an unopposed motion to stay the briefing of this appeal, because the petition for judicial review pending in the district court is based on "the same facts and virtually identical legal issues" involved in the current appeal, such that this appeal may be rendered moot by the district court's ruling in the pending case. On February 13, 2009, we granted Frank's motion and stayed the briefing schedule in this appeal until the district court renders its decision on the petition for judicial review. We further ordered Frank to file and serve an update informing this court of the status of the district court proceedings

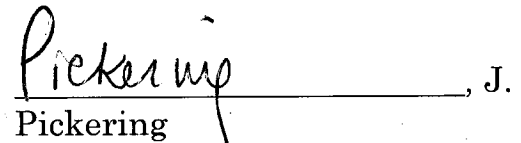
on or before April 1, 2009. On April 3, 2009, Frank filed a status report informing us that the district court's decision was expected within 30 days of a hearing scheduled for April 14, 2009.

On June 24, 2009, we issued an order directing Frank to file a second status report within 15 days of that order's date and cautioned her that the failure to file this status report may result in the dismissal of her appeal. As of the date of this order, Frank has not filed the status report directed by our June 24 order. Accordingly, in light of Frank's failure to comply with the directive of our June 24 order, we

ORDER this appeal DISMISSED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
William F. Buchanan, Settlement Judge
Grenville T. Pridham
Attorney General Catherine Cortez Masto/
Transportation Division/Las Vegas
Eighth District Court Clerk