

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH COUNTS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55608

FILED

SEP 30 2010

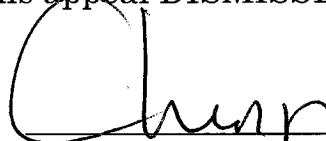
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL

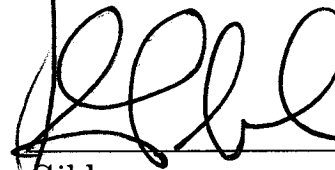
This is a proper person appeal from an order denying a motion for relief from judgment.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On July 23, 2010, this court received a notice of withdrawal of appeal.² Appellant indicates that he wishes to withdraw his appeal and pursue post-conviction relief in the district court. We will treat appellant's notice as a motion to dismiss the appeal, and we grant the motion. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We direct the clerk of this court to file the motion received on July 23, 2010.

cc: Hon. Valerie Adair, District Judge
Clark Co. Clerk
Kenneth Counts
Attorney General/Carson City
Clark County District Attorney