

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES GARNER, III,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 56294

FILED

SEP 10 2010

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

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges the district court's apparent refusal to consider petitioner's ex parte application to release records under seal. We directed the real party in interest, on behalf of respondents, to file an answer to the petition. Petitioner represents that he submitted an ex parte application to release records under seal to the district court. However, it does not appear from the submissions before us that the ex parte application was filed and therefore was not before the district court. And the real party in interest is not in a position to address whether the district court received the ex parte application. Accordingly, should petitioner file an ex parte application to release records under seal, the district court is obligated to consider and rule on the matter. We express no opinion as to the merits of

petitioner's ex parte application to release records under seal.
Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Valorie Vega, District Judge
The Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender