

IN THE SUPREME COURT OF THE STATE OF NEVADA

ORLANDO J. GARIBAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57207

FILED

FEB 23 2011

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge. Appellant's counsel filed a motion to withdraw this appeal voluntarily. Counsel advises this court that he has informed appellant of the legal effects and potentially adverse consequences of voluntarily withdrawing this appeal. Having been so informed, appellant consents to a voluntary dismissal of

this appeal. Cause appearing, we grant the motion and we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Valerie Adair, District Judge
Stephanie Kice
Attorney General/Carson City
Clark County District Attorney
Orlando J. Garibay
Eighth District Court Clerk

¹Because no remittitur will issue in this matter, see NRAP 42(b), the one-year period for filing a post-conviction habeas corpus petition under NRS 34.726(1) shall commence to run from the date of this order.