

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARLO ANTWIN BERRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66877

FILED

MAR 20 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

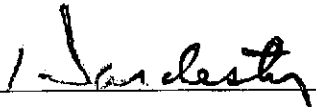
This is an appeal from a district court order dismissing appellant's post-conviction petition for a writ of habeas corpus. Appellant has filed a "Motion for Summary Disposition," in which he notes that the instant appeal is from an order of the district court that was entered shortly after he appealed from a similar decision that dismissed the same petition. Specifically, the district court dismissed appellant's post-conviction petition for a writ of habeas corpus in a document entitled a "Decision," the appeal from which was docketed in this court as Docket No. 66474, and in which briefing is proceeding. Thereafter, the district court dismissed the same post-conviction petition for a writ of habeas corpus in a different document entitled "Findings of Fact, Conclusions of Law and Order," (Findings) the appeal from which was docketed under the instant docket number. Appellant argues that the Findings document is a "nullity" and "should be stricken."

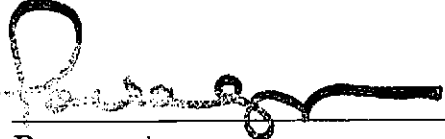
Respondent responds that it prepared the Findings for the district court's consideration because it was concerned whether the "Decision" was in the proper format; however, it joins the appellant's request that the "Findings be stricken from the appellate record" and asks that this instant appeal be dismissed. Appellant has not filed a reply.

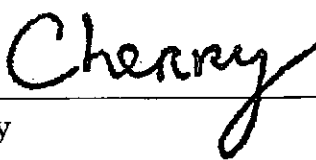
15-08634

Cause appearing, we grant appellant's motion and respondent's request to the extent that the instant appeal is dismissed.

It is so ORDERED.¹


_____, C.J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Michael Villani, District Judge
Richards Brandt Miller Nelson
Weil & Drage, APC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The motion to extend the briefing schedule is denied as moot.