

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESUS AMIEVA,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE,

Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 74465

**FILED**

**JUN 13 2018**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER GRANTING PETITION*


This original petition for a writ of mandamus seeks an order directing the district court to resolve Jesus Amieva's postconviction petition for a writ of habeas corpus that was filed on April 5, 2013, in district court case number CR94P1787. Amieva asserts his petition was reassigned to Department No. 3 on September 9, 2013, and no action has been taken on his petition since then.


On March 14, 2018, we ordered the real party in interest to file an answer addressing why this court should not grant the petition. The real party in interest informs this court that the petition is still pending in the district court and the State agrees the district court has a duty to review and decide the petition.


A writ of mandamus may issue "to compel the performance of an act which the law especially enjoins as a duty resulting from an office." NRS 34.160. NRS 34.740 requires the district court to provide an expeditious examination of a postconviction petition for a writ of habeas

corpus. The length of delay in the prosecution of this petition has prevented an expeditious examination. Therefore, we conclude mandamus relief is warranted and we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to place the April 5, 2013, postconviction petition for a writ of habeas corpus on its calendar and resolve the petition.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Chief Judge, Second Judicial District Court  
Hon. Jerome M. Polaha, District Judge  
Jesus Amieva  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>To the extent Amieva requests this court to order the district court to appoint counsel to assist him and order the State to file an answer to his petition, we conclude this court's intervention in this regard is not warranted. Amieva may seek this relief in the district court.