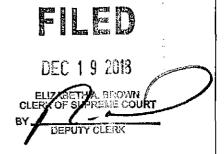
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY DEWANE BAILEY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND EIGHTH JUDICIAL
DISTRICT COURT DEPT. 20,
DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 77166-COA



ORDER DENYING PETITION

This original petition for a writ of mandamus seeks an order directing the district court to resolve a motion to correct an illegal sentence that was filed on December 23, 2014. Anthony Dewane Bailey asserts the motion was taken off calendar in 2015. He further asserts that after he requested Judge Johnson to resolve the motion, Judge Johnson stated he lacked jurisdiction to resolve the motion because an appeal from an order denying a postconviction petition for a writ of habeas corpus is pending in the Nevada Supreme Court. We have considered the petition, and we are not satisfied this court's intervention by way of extraordinary writ is warranted at this time. See NRS 34.160; Pan v. Eighth Judicial Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Nevertheless, we note that the pending appeal from an order denying a

postconviction petition for a writ of habeas corpus does not divest the district court of jurisdiction to resolve a motion to correct an illegal sentence. Therefore, we expect the district court to resolve the pending motion to correct an illegal sentence as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED. 1

Gelner, C.J.

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Gibbons

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cc: Hon. Eric Johnson, District Judge Anthony Dewane Bailey Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

¹The Honorable Jerome T. Tao did not participate in the decision in this matter.