

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Petitioner,

vs.

CLERK OF THE SUPREME COURT OF
THE STATE OF NEVADA; ELIZABETH
A. BROWN; AND AMANDA INGERSOLL,
Respondents.

BRIAN KERRY O'KEEFE,
Petitioner,

vs.

NEVADA SUPREME COURT;
ELIZABETH A. BROWN, CLERK OF
COURT; AND AMANDA INGERSOLL,
CHIEF DEPUTY CLERK,
Respondents.

No. 77228 ✓
FILED

JAN 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY S. Young
DEPUTY CLERK

No. 77230

*ORDER GRANTING PETITION (NO. 77228) AND
DISMISSING COMPLAINT (NO. 77230)*

Docket No. 77228 is a pro se petition for a writ of mandamus directing the appellate court clerk to issue the remittitur in *O'Keefe v. Warden*, Docket No. 74598-COA. We agree with petitioner that NRAP 41(a)(1) requires that the remittitur be issued in *O'Keefe v. Warden*, Docket No. 74598-COA; because more than 25 days have passed since the court of appeals' judgment was entered and there is no pending petition for rehearing or for this court's review. We therefore direct the appellate court clerk to issue the remittitur in *O'Keefe v. Warden*, Docket No. 74598-COA without further delay.

Docket No. 77230 is a "First Amended Complaint" that asserts causes of action against the appellate court clerk and chief deputy clerk and seeks monetary damages and declaratory relief because the remittitur has not yet issued in *O'Keefe v. Warden*, Docket No. 74598-COA. A civil action,

however, must be commenced by filing a complaint in the appropriate district court. See NRCP 3. Because this court lacks jurisdiction to entertain such a complaint in the first instance, see Nev. Const. art. 6, § 4(1) (setting forth supreme court's appellate and original jurisdiction), we order the matter docketed as No. 77230 dismissed without prejudice.

It is so ORDERED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Brian Kerry O'Keefe
Attorney General/Carson City
Appellate Court Clerk