

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUINCY E. FORTIER, M.D.,

No. 37442

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ALLAN R. EARL, DISTRICT JUDGE,

FILED

OCT 02 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

Respondents,

and

HEATHER CRADDOCK,

Real Party
in Interest.

ORDER DISMISSING PETITION

This original petition for a writ of prohibition or, in the alternative, a writ of mandamus challenges a district court order filed on February 1, 2001, that required petitioner to submit to DNA testing to establish paternity by February 12, 2001.

On August 22, 2001, this court requested the clerk of the district court to supplement the record before this court with the most recent minutes and docket entries prepared in the action below. The requested minutes and docket entries were received and filed on September 4, 2001. The minutes for August 17, 2001, state that "in conjunction with the settlement terms of case A362959 [Fortier v. District Court, Supreme Court Docket No. 37991], this case is to be dismissed." Accordingly, on September 6, 2001, we directed petitioner Fortier to file a response within fifteen days showing cause why this court should not dismiss the instant petition as moot.

To date, petitioner has not responded to our order entered on September 6, 2001, or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this petition as abandoned.

It is so ORDERED.

Maupin, C.J.
Maupin

Young, J.
Young

Shearing, J.
Shearing

Agosti, J.
Agosti

Rose, J.
Rose

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Allan R. Earl, District Judge
John C. Wawerna
John Peter Lee Ltd.
Clark County Clerk