

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY LEE MALLICOAT,

Appellant,

vs.

DARRELL THOMAS AND BEVERLY THOMAS,

Respondents.

No. 37463

FILED

APR 12 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal, apparently from oral statements made by the district court during a hearing on appellant's motion for rehearing and to set aside a default. Respondents filed a motion to dismiss the appeal as premature, because a written order ruling on appellant's motion was not entered until several weeks after appellant filed his notice of appeal. In response, appellant filed a document in the district court entitled "Withdrawal of Appeal," a certified copy of which was transmitted to this court, in which appellant states that he wishes to withdraw this appeal, and will file a new notice of appeal from any default judgment that may be entered in the future. In light of appellant's withdrawal of his appeal, we

ORDER this appeal DISMISSED.¹

Young

Young J.

Leavitt

Leavitt J.

Becker

Becker J.

¹Additionally, we deny as moot respondents' motions to dismiss and to strike.

cc: Hon. Steven R. Kosach, District Judge
Blaine E. Cartlidge
Danny Lee Mallicoat
Washoe County Clerk

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Dan Mallicoat
9836 Florin Road
Sacramento, CA 95825
Defendant and
Cross-complainant

FILED

2001 FEB 23 AM 9:35

AMY HARVEY, CLERK

BY C. Kepler
DEPUTY

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

Darrell & Beverly Thomas)

CASE NO. CV99-04010

Plaintiffs,)

V.)

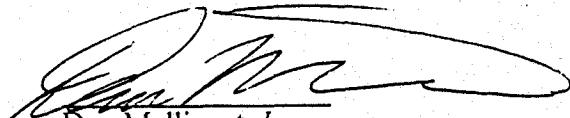
Danny Lee Mallicoat,)

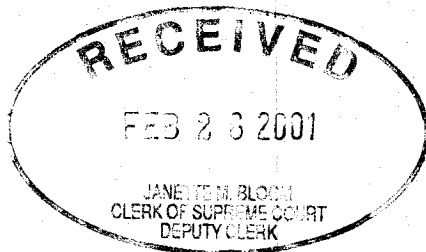
Defendant.)

WITHDRAWAL OF APPEAL

Defendant and Appellant Danny Lee Mallicoat hereby withdraws the appeal to the Supreme Court of Nevada filed January 12, 2001, *without prejudice* to a timely re-noticing of an appeal after a default judgment is rendered in the above captioned case. Given the substantial evidence of record that there was no deficiency, an appeal may not be necessary.

Dated: February 22, 2001.


Dan Mallicoat, *In pro per*

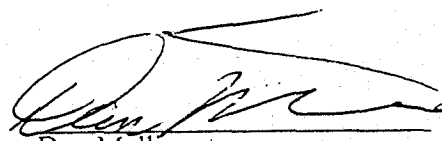


CERTIFICATE OF MAILING

I, Dan Mallicoat, attorney in pro per, certify that on this date I deposited for shipment in the United States Mail in Reno, Nevada a true and correct copy of the WITHDRAWAL OF APPEAL addressed to:

Blaine E. Cartlidge, Esq.
560 E. Plumb Lane
Reno, Nevada 89502

DATED: 2/23/01


Dan Mallicoat