

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRAIG ALLEN RODGERS,  
Appellant,  
vs.  
WILLIAM HUTCHINGS, WARDEN;  
STEVEN B. WOLFSON, DISTRICT  
ATTORNEY; AND THE STATE OF  
NEVADA,  
Respondents.

No. 82645-COA

**FILED**

NOV 05 2021

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

*ORDER OF REVERSAL AND REMAND*

Craig Allen Rodgers appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 31, 2020. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.


We previously ordered the State to show cause why the district court's order denying the petition as untimely should not be reversed. *See Rodgers v. State*, Docket No. 82645-COA (Order to Show Cause, October 13, 2021). Although Rodgers' petition was filed outside the one-year time limit, *see* NRS 34.726(1), it was received by the clerk of the district court within the one-year time limit. And it is the clerk's duty, not the parties', to file submitted documents. *See Sullivan v. Eighth Judicial Dist. Court*, 111 Nev. 1367, 1372, 904 P.2d 1039, 1042 (1995).

In its response, the State concedes the clerk received the petition within the one-year time limit. Because the record demonstrates the district court clerk received the petition within the one-year time limit

for filing the petition, we conclude the district court erred by denying the petition as untimely. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Susan Johnson, District Judge  
Craig Allen Rodgers  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk