

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN M. RUIZ,

No. 37931

Petitioner,

FILED

vs.

OCT 18 2001

THE STATE OF NEVADA,

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

Respondent.

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner is seeking to have this court order the Clark County District Court's Clerk's Office, the Clark County District Attorney's Office, and the Las Vegas Metropolitan Police Department to return petitioner's seized property.

On July 18, 1997, petitioner's counsel filed a motion for return of property in the district court. On or about July 21, 1997, the district court orally granted petitioner's motion. Petitioner, however, never received the property he was seeking. On June 5, 1998, petitioner filed a proper person "motion to compel state/police as ordered, to release petitioner's personal property." On November 4, 1999, petitioner filed a "motion to conduct contempt proceedings against the Las Vegas Metropolitan Police Department for the failure to comply with this court's order of July 21, 1997." On or about November 22, 1999, the district court denied this motion. As of the filing date of this writ of mandamus, petitioner alleges that the property has not been returned to him.

01-1756

We conclude that our intervention by extraordinary writ is not warranted at this time.¹ Appellant should file a writ of mandamus in the district court requesting the district court to enforce its July 21, 1997 oral decision because the district court is in the best position to make the appropriate findings and take appropriate action.

Accordingly, we

ORDER the petition DENIED.

Maupin, C.J.
Maupin

Young, J.
Young

Agosti, J.
Agosti

cc: Hon. James C. Mahan, District Judge
Attorney General
Clark County District Attorney
John M. Ruiz
Clark County Clerk

¹See NRS 34.160; NRS 34.170