IN THE SUPREME COURT OF THE STATE OF NEVADA

QUINCY E. FORTIER, M.D.,

No. 37991

Petitioner.

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE LEE A. GATES, DISTRICT JUDGE,

Respondents,

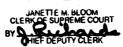
and

MARY CRADDOCK,

Real Party in Interest.

FILED

OCT 02 2001



ORDER DISMISSING PETITION

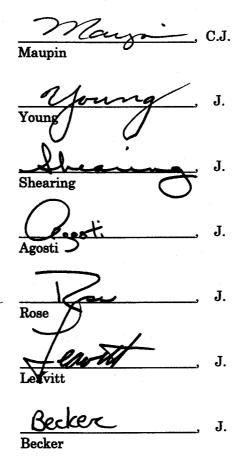
This original petition for a writ of prohibition or, in the alternative, a writ of mandamus challenges a district court order filed on May 31, 2001, that required petitioner Dr. Fortier to submit to DNA testing on June 11, 2001.

On August 21, 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, indicate that the parties "reached a confidential settlement agreement wherein [the underlying action] will 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.



cc: Hon. Lee A. Gates, District Judge John C. Wawerna Thomas F. Pitaro John Peter Lee Ltd. Clark County Clerk