

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUINCY E. FORTIER, M.D.,

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.

No. 37991

**FILED**

OCT 02 2001

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

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.

Maupin C.J.  
Maupin

Young J.  
Young

Shearing J.  
Shearing

Agosti J.  
Agosti

Rose J.  
Rose

Levitt J.  
Levitt

Becker J.  
Becker

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