


IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Petitioner,
vs.
CLERK OF THE SUPREME COURT,
STATE OF NEVADA; ELIZABETH A.
BROWN; AND MELISSA F.,
Respondents.

No. 86880

FILED

SEP 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

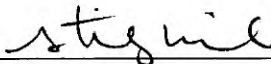
ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This pro se petition for a writ of mandamus seeks an order directing the clerk of this court to file a motion in a closed case, Docket No. 61631. Having considered the petition and the supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to grant relief). Remittitur has issued in Docket No. 61631, which divests this court of its jurisdiction to grant petitioner Brian O'Keefe any relief in that matter. *See Branch Banking & Tr. Co. v. Gerrard*, 134 Nev. 871, 874, 432 P.3d 736, 740 (2018) (explaining that remittitur divests this court of jurisdiction).

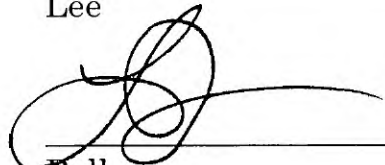
Further, to the extent O'Keefe seeks to correct the date of the remittitur in Docket No. 61631 to reflect the date the United States Supreme Court denied his petition for a writ of certiorari, he has not demonstrated that a correction is necessary because a stay of remittitur pending a petition of a writ of certiorari was never properly sought. NRAP

41(a)(1) (requiring a remittitur to issue 25 days after judgment is entered); NRAP 41(b)(3)(A) (permitting a party to seek a stay of the remittitur pending a petition for a writ of certiorari with the United States Supreme Court); *cf. Branch Banking*, 134 Nev. at 874-76, 432 P.3d at 739-41 (recognizing that this court does not automatically stay issuance of the remittitur when a petition for a writ of certiorari is filed with the U.S. Supreme Court). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Brian Kerry O'Keefe
Attorney General/Carson City