

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT A. SMITH,

No. 38216

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE MARK W. GIBBONS,
DISTRICT JUDGE,

FILED

AUG 10 2001

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

Respondents,

and

THE STATE OF NEVADA,

Real Party
in Interest.

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus requesting this court compel Judge Gibbons to hear and rule upon petitioner's August 25, 1998 post-conviction petition for a writ of habeas corpus.

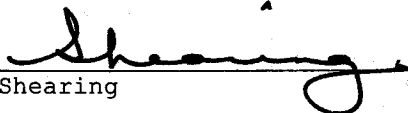
We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ We are confident that the district court will resolve the matters

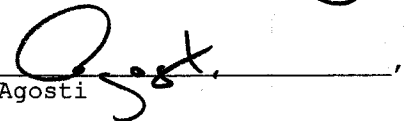
¹See NRS 34.160.

pending below as expeditiously as its calendar will permit.²

Accordingly, we

ORDER the petition DENIED.


Shearing J.


Agosti J.


Rose J.

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
LaPorta, Clark & Leavitt
Robert A. Smith
Clark County Clerk

²We note that a review of the April 11, 2000 minutes available on the Clark County Web Site indicate that Mr. Peter LaPorta was appointed and confirmed as counsel in the post-conviction proceedings. We are confident that Mr. LaPorta will prosecute this petition with due diligence.