

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,

No. 38888

Petitioner,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WHITE
PINE,

Respondent,

and

MICHAEL NUSTAD AND MICHELE D.
HAMMOND,

Real Parties in Interest.

FILED

JAN 03 2002

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person petition for a writ of mandamus seeks an order compelling the district court to rule on certain motions filed by petitioner in cases pending in the district court. Petitioner also asks that this court direct the court clerk to file documents submitted by petitioner and to complete “notices of motion” submitted by petitioner. As discussed below, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted.¹

First, while district courts should resolve motions as promptly as their caseloads permit, we are not persuaded that a delay of a few months by the district court in ruling on petitioner’s motions is of such magnitude that writ relief is warranted. By filing requests for submission, petitioner elected to have his motions decided without a hearing; the district court was not required to rule on a particular motion by the law and motion day next following petitioner’s request for submission of that motion.

¹See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (providing that whether to issue a writ of mandamus is discretionary with this court).

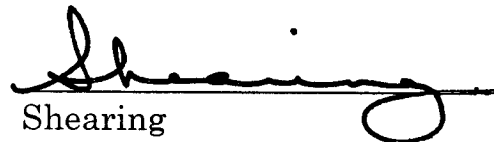
01-00165


Second, petitioner challenges the court clerk's failure to file an opposition to a motion to quash and a motion to strike. According to petitioner, the documents were received by the clerk on September 20, 2001, but not filed until October 8. We conclude that this issue is moot, in that petitioner's submissions have been filed. While we decline to grant the petition in this regard, however, we remind the clerk of her duty to promptly file all documents that are in the proper form.²

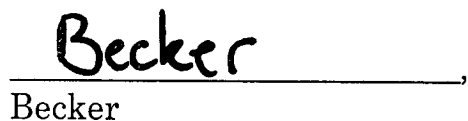
Finally, petitioner complains that the court clerk failed to complete the notice of motion that accompanied each of his motions. But petitioner does not allege that he complied with Seventh Judicial District Court Rule 2, which contains requirements for setting matters for hearing in that court. We are thus not persuaded that our intervention is warranted.

Accordingly, we

ORDER the petition DENIED.³

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Dan L. Papez, District Judge
Hon. Steve L. Dobrescu, District Judge
Attorney General
Christopher Anthony Jones
Michele D. Hammond
White Pine County Clerk

²See, e.g., Sullivan v. District Court, 111 Nev. 1367, 904 P.2d 1039 (1995); Donoho v. District Court, 108 Nev. 1027, 842 P.2d 731 (1992); Bowman v. District Court, 102 Nev. 474, 728 P.2d 433 (1986) (recognizing that the clerk of the district court has a duty to file documents and to keep an accurate record of the proceedings before the court).

³It is not clear from the documents before this court which district court department(s) is/are assigned to the underlying district court cases. Accordingly, we direct the clerk of this court to serve a copy of this order on both departments of the Seventh Judicial District Court.