

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK J. RUCKER,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF PRISONS, JACKIE CRAWFORD
AND NEVADA DEPARTMENT OF
PRISONS, TED D'AMICO, MEDICAL
DIRECTOR,
Respondents.

No. 40254

FILED
OCT 15 2002

OCT 15 2002

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of mandamus. On September 30, 2002, this court received a proper person notice of withdrawal of appeal. In the notice, appellant asserts that the consequences of withdrawing the appeal have been explained to him. Specifically, he states that he understands that "the appeal cannot be reinstated and the issues requesting the Mandamus Order are moot, and/or waived by this voluntary dismissal of appeal." We construe appellant's notice to be a motion to dismiss the appeal pursuant to NRAP 42(b), and we grant appellant's motion. Accordingly, we

ORDER this appeal DISMISSED.

Rose
_____, J.
Rose

Young
_____, J.
Young

Agosti
_____, J.
Agosti

cc: Hon. Dan L. Papez, District Judge
Attorney General/Carson City
Frank J. Rucker
White Pine County Clerk