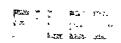
## IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK J. RUCKER, Appellant,

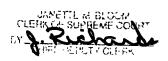
DIRECTOR, NEVADA DEPARTMENT OF PRISONS, JACKIE CRAWFORD AND NEVADA DEPARTMENT OF PRISONS, TED D'AMICO, MEDICAL DIRECTOR,

Respondents.

No. 40254



CGT 1 5 2002



## 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 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.

J.

Agosti

SUPREME COURT NEVADA

(O) 1947A

02-17838

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