

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREAT BASIN MINE WATCH,
Petitioner,

vs.

NEVADA DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES,
DIVISION OF
ENVIRONMENTAL
PROTECTION, STATE
ENVIRONMENTAL
COMMISSION,
Respondent.

No. 41154

FILED

NOV 15 2004


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


ORDER DISMISSING PETITION AS MOOT

This original petition for a writ of mandamus requests this court to compel the State Environmental Commission to hold an appeal hearing pursuant to petitioner's request and notice of appeal filed on September 30, 2002. The appeal hearing, however, has already taken place, having been held June 9-10, 2003. Because the requested hearing

has already been held, this petition is now moot. Accordingly, we dismiss the petition.¹

It is so ORDERED.²


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Nicole U. Rinke
Attorney General Brian Sandoval/Carson City
Attorney General Brian Sandoval/Las Vegas
Temkin Wielga & Hardt, LLP

¹University of Nevada v. Tarkanian, 95 Nev. 389, 394, 594 P.2d 1159, 1162 (1979).

²We grant petitioner's May 21, 2003 motion to file a reply. The clerk of this court shall file petitioner's reply, provisionally received on May 20, 2003.