

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUANE CHARLES TIPTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41838

FILED

OCT 17 2003

DUANE CHARLES TIPTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42100

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


ORDER ADMINISTRATIVELY CLOSING APPEAL


These are proper person appeals from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. The district court orally denied appellant's petition on June 30, 2003. On July 25, 2003, appellant filed a notice of appeal. The appeal was docketed in this court in Docket No. 41838. Because the district court had not yet entered a written order denying the petition, this court directed the district court to enter a written order denying the petition or inform this court that it was reconsidering its decision. The district court entered a written order denying the petition on September 9, 2003. On September 22, 2003, appellant filed a notice of appeal from the September 9, 2003 order, and this notice of appeal was docketed in this court in Docket No. 42100.

Two separate cases were inadvertently opened in this court under Docket Nos. 41838 and 42100. Accordingly, we direct the clerk of this court to administratively close Docket No. 42100. The clerk of this court shall transfer to Docket No. 41838 all documents filed or received in

Docket No. 42100. Appellant's appeal from the denial of his petition will proceed under Docket No. 41838. This order does not affect that portion of this court's August 19, 2003 order filed in Docket No. 41838 directing the clerk of the district court to transmit the trial court record within one hundred and twenty days.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Agosti

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Shearing

cc: Hon. Nancy M. Saitta, District Judge  
Duane Charles Tipton  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk