

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42394

FILED

MAY 28 2004

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Appellant was originally convicted, pursuant to a jury verdict, of one count of burglary. On appeal, this court affirmed appellant's conviction.¹

Appellant subsequently filed a post-conviction petition for a writ of habeas corpus. After appointing counsel and conducting an evidentiary hearing, the district court denied the petition in an order entered on December 27, 2002. On appeal, this court affirmed the order of the district court.²

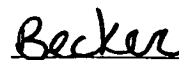
On October 22, 2003, the district court entered the exact order that had been entered on December 27, 2002. Appellant filed a timely notice of appeal, and fast track briefing was scheduled. Because no fast track statement had been filed, on May 5, 2004, this court ordered appellant's counsel Natalie Huynh to file the fast track statement or show cause why she should not be sanctioned.

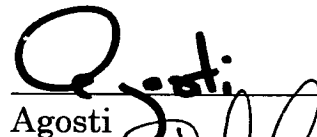
¹Collins v. State, 113 Nev. 1177, 946 P.2d 1055 (1997).


²Collins v. State, Docket No. 40903 (Order of Affirmance, June 5, 2003).

On May 17, 2004, Huynh filed a response to this court's order. In the response, Huynh related the procedural history of this case and further informed this court that on January 22, 2004, the district court entered an order vacating the order of October 22, 2003. Huynh therefore requests that this appeal be dismissed as moot.

Cause appearing, the motion is granted, and we
ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Peter I. Breen, District Judge
Nathalie Huynh
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk