

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY JOSEPH MCGRATH, SR.,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52344

**FILED**

OCT 03 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner asserts that he filed a motion to vacate his plea of guilty and a motion for reconsideration or modification of sentence in the district court in 2007 and 2005, respectively, but the district court has not ruled on these motions. We have considered the documents submitted to this court, and we conclude that this court's intervention is not warranted at this time. We are confident that the district court will resolve all pending matters as expeditiously as the court's calendar permits. Petitioner should seek relief regarding the calendaring of these motions in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Maupin, J.  
Maupin

Saitta, J.  
Saitta

cc: Hon. Robert H. Perry, District Judge  
Jay Joseph McGrath Sr.  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk