

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC T. DOUGLAS,
Petitioner,

vs.

CLERK OF THE EIGHTH JUDICIAL
DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY
OF CLARK, FAMILY COURT
DIVISION,

Respondent,

and

TAMMY LOPRINO,
Real Party in Interest.

No. 54023

FILED

OCT 08 2009

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

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus or prohibition challenges the failure of the Family Court Division of the Eighth District Court Clerk's office to file petitioner's proper person documents in his family court case and to respond to petitioner's inquiries about the case. On June 26, 2009, this court directed the Clerk to file an answer to the petition within 30 days. To date, the Clerk has not responded in any way to this order. Petitioner has submitted a motion

asking that the writ be granted in light of the Clerk's failure to answer; the Clerk did not file an opposition.¹

Petitioner is an inmate. The petition asserts that petitioner received a copy of a motion by real party in interest, which did not bear a district court file stamp. He prepared a motion in response to the real party in interest's motion and sent it, together with an extra copy to be file stamped and returned to him, to the Eighth District Court Clerk's office for the Family Court Division, at 601 North Pecos in Las Vegas. He did not receive a copy of the file-stamped motion. He also mailed three letters to the clerk's office, asking for information about any hearing on real party in interest's purported motion and for confirmation that his motion had been filed. Petitioner received no response.

In light of respondent's failure to file an answer or to oppose petitioner's motion, as well as a history of problems with the Eighth District Court Clerk's Family Court Division office's handling of proper person submissions, see, e.g., Rodriguez v. Dist. Ct., Docket No. 51545 (Order Denying Petition, July 11, 2008) (denying a petition seeking relief identical to the instant petition on the understanding that petitioner's documents would be properly handled if mailed to the North Pecos address); Morrison v. Eighth District Court Clerk, Docket No. 49756 (Order Granting Petition, February 14, 2008), we conclude that petitioner has established grounds for writ relief. NRS 34.160; Sullivan v. District

¹We direct the clerk of this court to file petitioner's motion provisionally received on August 3, 2009.

Court, 111 Nev. 1367, 904 P.2d 1039 (1995); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court clerk to file all documents submitted by the proper person petitioner that are in the proper form, to return a file-stamped copy to petitioner if he includes an extra copy of the document and a postage-paid envelope, and to promptly respond to petitioner's inquiries about his pending case.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. T. Arthur Ritchie, Chief Judge
Hon. Gloria S. Sanchez, District Judge, Family Court Division
Eric T. Douglas
Clark County District Attorney David J. Roger
Tammy Loprino
Eighth District Court Clerk
Steven D. Grierson, Court Administrator
Leonard Cash, Assistant Court Administrator, Family/Juvenile