

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID VILLEGAS,
Petitioner,
vs.
HAROLD WICKHAM, WARDEN,
Respondent.

No. 73057

FILED

OCT 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus seeks an order directing the district court to resolve a postconviction petition he filed in district court case number A-16-743570-W on September 16, 2016.¹ Petitioner asserts, although he has filed a request to have his petition “put on for hearing,” no action has been taken on his petition. On July 21, 2017, we ordered respondent to file a status report regarding the petition.

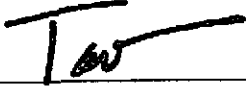
Respondent has filed a response and supplemental response informing this court that on August 14, 2017, it was determined the Clark County District Attorney’s office would respond to the petition, a briefing schedule has been set, and a hearing on the petition has been scheduled for October 24, 2017. We have reviewed the documents submitted in this

¹The petition was originally filed in the First Judicial District Court and was transferred to the Eighth Judicial District Court pursuant to NRS 34.738(2) on September 12, 2016. It appears on March 22, 2017, Judge Bell ordered the petition to be filed in petitioner’s underlying criminal case, 09C256342, and to be forwarded to the assigned department for review.

matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170; NRAP 21(b); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). We expect the district court will resolve all pending matters as expeditiously as its calendar permits. See NRS 34.740. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Hon. Linda Marie Bell, District Judge
David Villegas
Clark County District Attorney
Attorney General/Carson City
Eighth District Court Clerk