


IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN HAROLD MCCULLOUGH,
Petitioner,
vs.
THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING; AND THE HONORABLE
STEVEN R. KOSACH, SENIOR JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 85048

FILED

DEC 08 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

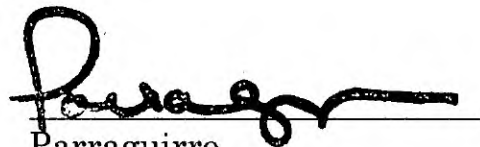
ORDER DENYING PETITION

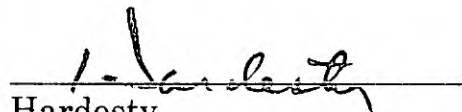
This is an original pro se petition for a writ of mandamus seeking to compel the district court to comply with NRS 34.830. Petitioner claims that the district court orally denied his habeas petition in September 2021 but to date has not complied with NRS 34.830 and entered a written order disposing of the petition. Petitioner attempted to file a notice of appeal in the district court, dated September 29, 2021, but the district court erroneously returned petitioner's documents unfiled, stating in a letter that his notice of appeal was premature because an order denying his petition had not yet been entered. *See* NRAP 3(a); *Sullivan v. Eighth Judicial Dist. Court*, 111 Nev. 1367, 1369-72, 904 P.2d 1039, 1040-42 (1995) (addressing the district court clerk's "absolute obligation" to receive and file documents submitted to them and collecting cases).

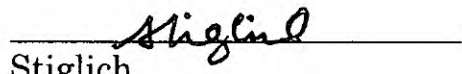
On August 15, 2022, we ordered real party in interest, on behalf of respondents, to file and serve an answer in order to assist this court in resolving the matter. Both respondents and real party in interest filed

answers and provided documentation indicating that an order denying petitioner's habeas petition was entered in March 2022. Real party in interest also provided documentation indicating that petitioner was served with a copy of the order on September 6, 2022. We note that in Docket No. 85414, petitioner has now filed in this court a timely appeal from the denial of his habeas petition. Therefore, it appears that petitioner has received the relief requested and this petition is moot. *See Degraw v. Eighth Judicial Dist. Court*, 134 Nev. 330, 332, 419 P.3d 136, 139 (2018). Accordingly, we

ORDER the petition DENIED.¹


Parraguirre, C.J.


Hardesty, J.


Stiglich, J.

cc: Chief Judge, The Eleventh Judicial District Court
Hon. Steven R. Kosach, Senior Judge
John Harold McCullough
Attorney General/Carson City
Pershing County District Attorney

¹We also deny as moot petitioner's pro se motion to supplement the relief requested.