

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK MILFORD PECK,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BRENT T. ADAMS, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 60040

FILED

FEB 03 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER TO SHOW CAUSE

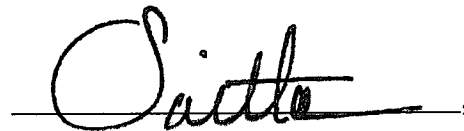
This is a proper person petition for a writ of mandamus. Petitioner is requesting this court to issue a writ of mandamus ordering the district court to consider his proper person post-conviction petition for a writ of habeas corpus filed August 7, 2008. Petitioner claims that the district court has a duty to consider his petition but that it has failed to do so.

After affirming the denial of petitioner's successive proper person post-conviction for a writ of habeas corpus, filed April 28, 2010, this court noted in September 2011 that petitioner had filed the 2008 petition and a request for submission but that the district court had never disposed of it. This court then directed the district court to expeditiously examine the 2008 petition. Peck v. State, Docket No. 57968 (Order Denying Rehearing, September 15, 2011). Petitioner asserts that the district court has still not examined his petition and that it remains pending. If the district court has failed to review the 2008 petition, petitioner would have

no other adequate remedy at law outside the instant petition for a writ of mandamus.

Accordingly, the State, on behalf of the respondents, shall have thirty (30) days from the date of this order to respond with an update on the status of the petition and otherwise show cause why a writ should not issue directing the district court to consider petitioner's 2008 petition.

It is so ORDERED.

, C.J.

cc: Hon. Brent T. Adams, District Judge
Frank Milford Peck
Attorney General/Carson City
Washoe County District Attorney