

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS GODOREDO PIMENTEL, III,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68710

FILED

NOV 10 2016

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

ORDER DENYING MOTION AND COUNTERMOTION

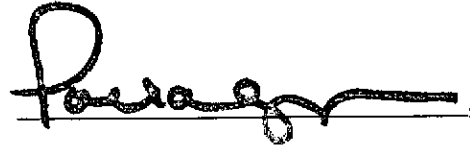
Respondent has filed a motion to strike portions of appellant's reply brief, appellant has filed an opposition and countermotion to strike a portion of respondent's answering brief, and respondent has filed a reply to the opposition to the motion and an opposition to the countermotion.

In its motion, respondent asserts that appellant cited to an unpublished decision from this court in his reply brief that was entered prior to January 1, 2016, and that this citation is in violation of NRAP 36(c)(3). The motion to strike the citation is denied. The court will consider the citation for what it is worth, specifically that such a citation does not establish mandatory precedent. *See* NRAP 36(c)(2).

Respondent further requests that this court strike portions of appellant's reply brief in two instances where respondent asserts that appellant "asks this court to rely upon facts outside the record in order to adjudicate factual disputes." In response, appellant requests that this court strike a portion of respondent's answering brief for the same reason. We deny the motion and countermotion but remind the parties that in resolving this matter, we will disregard assertions not properly appearing

in or supported by the record. *Cf. Carson Ready Mix v. First Nat'l Bank*,
97 Nev. 474, 476, 635 P.2d 276, 277 (1981).

It is so ORDERED.

 C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney