

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE,

Respondent,

and

THE STATE OF NEVADA; AND TIM  
GARRETT, WARDEN,

Real Parties in Interest.

No. 83042

**FILED**

DEC 07 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER RECALLING NOTICE IN LIEU OF REMITTITUR AND  
GRANTING MOTION TO STAY ISSUANCE OF NOTICE IN LIEU OF  
REMITTITUR*

This court denied appellant's petition for review on November 16, 2021, and the notice in lieu of remittitur issued that same day. On November 23, 2021, petitioner mailed a pro se motion to stay issuance of the remittitur pending resolution of a petition for a writ of certiorari that appellant anticipates filing in the United States Supreme Court. The motion was filed on November 29, 2021. The motion is construed as a motion to recall the notice in lieu of remittitur and stay its issuance. The motion is granted. The clerk shall recall the notice in lieu of remittitur issued on November 16, 2021. Issuance of the notice in lieu of remittitur shall be stayed until March 16, 2022. Cf. NRAP 41(b)(3)(B). If the clerk of this court receives written notice by March 16, 2022, from the clerk of the United States Supreme Court that appellant has filed a petition for a writ of certiorari, the stay shall continue in effect until final disposition of the

certiorari proceedings. *Id.* If such notice is not received by March 16, 2022, the notice in lieu of remittitur shall issue forthwith.

It is so ORDERED.

/Sardeshy, C.J.

cc: Hon. Kathleen Sigurdson, District Judge  
Ferrill Joseph Volpicelli  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk