IN THE SUPREME COURT OF THE STATE OF NEVADA

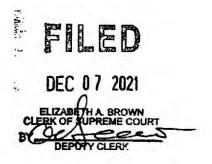
FERRILL JOSEPH VOLPICELLI, Petitioner.

VS.

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

Respondent, THE STATE OF NEVADA: AND TIM GARRETT, WARDEN, Real Parties in Interest.

No. 83042



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

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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.

/ Sardesty, C.J.

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