

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.


No. 86846

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 86893

**FILED**

MAR 01 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER*

The district court clerk filed the record on appeal in this court on July 28, 2023, and August 2, 2023. Volumes 10-16 were filed under seal. Appellant has now filed a motion to unseal volumes 11-16. Counsel for appellant states she cannot access those volumes to prepare the opening brief.

Review of the sealed volumes of the appendix reveals they contain some documents that appear to have been filed on the district court's public docket, including: (1) a July 13, 2016, motion for leave to proceed in forma pauperis, (2) a July 13, 2016, postconviction petition for a writ of habeas corpus, (3) an October 7, 2016, postconviction petition for a writ of habeas corpus, (4) a June 20, 2017, ex parte motion for authorization to employ an investigator, (5) an August 17, 2017, ex parte motion for authorization of expert witness fees, (6) an August 23, 2018, application for an order to produce prisoner, and (7) a number of ex parte claims for attorney compensation and motions for payment of transcripts at public

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expense filed between 2018-2020. It is unclear why these documents were filed under seal in this court. Other documents in the sealed record on appeal appear to have been filed under seal in the district court and are properly filed under seal in this court. Under these circumstances, this court orders as follows.

The district court clerk shall have 14 days from the date of this order to inform this court, in writing, which of the documents included in volumes 10-16 of the sealed record on appeal were filed under seal in the district court. For any documents that were filed under seal in the district court, the clerk shall provide this court with a copy of any district court order sealing those documents or inform this court of the basis for sealing those documents. For any documents in the sealed volumes of the record on appeal that were not sealed in the district court, the clerk shall provide this court with the basis for filing the documents in this court under seal. This court defers ruling on appellant's motion to unseal pending further order of this court.<sup>1</sup>

Appellant has also filed a motion for an extension of time to file the opening brief.<sup>2</sup> The motion is granted. NRAP 31(b)(3)(B). Appellant shall have until April 8, 2024, to file and serve the opening brief.<sup>3</sup> Given the length of this initial extension request, no further extensions shall be

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<sup>1</sup>In the meantime, appellant's counsel may obtain copies of any documents in the district court record from the district court clerk.

<sup>2</sup>Appellant has filed two copies of this motion, as well as the motion to unseal and the docketing statement. Although these appeals are consolidated, appellant need not file multiple copies of documents.

<sup>3</sup>Because the record on appeal has been filed, appellant is not required to file an appendix as directed in this court's October 11, 2023, order.

permitted absent extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief may result in the imposition of sanctions.

It is so ORDERED.

\_\_\_\_\_, C.J.

cc: Karla K. Butko  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk