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9

10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

11 \* \* \*

12 **DALE EDWARD FLANAGAN,**

Case No. 40232

13 **Appellant,**

14 **v.**

15 **THE STATE OF NEVADA, and E.K.**  
16 **McDANIEL, Warden, Ely State Prison,**

17 **Respondents.**

**FILED**

**MAY 13 2005**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

18  
19 **APPELLANT'S RESPONSE TO ORDER DIRECTING**

20 **FILING OF SUPPLEMENTAL POINTS & AUTHORITIES**

21 Just last week, the District Court signed and entered a stipulation entered into by  
22 the parties which completed the efforts to reconstruct the District Court record for use in  
23 Appellant's appeal from the District Court's denial of Appellant's post-conviction petition for  
24 habeas corpus. A copy of that stipulation is attached. Accordingly, because the need for further  
25 extension of time to complete the record no longer exists, Appellant respectfully requests that  
26 the matter be returned to the Nevada Supreme Court and that a briefing schedule be established.

Page 1 of 1 **APPELLANT'S RESPONSE TO ORDER RE: SUPP. POINTS & AUTHORITIES**

CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

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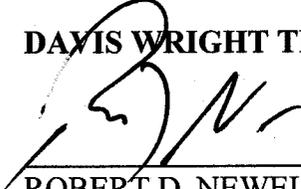
PDX 1272068v1 50062-81680  
Portland

05-19368

1 If the Court desires more on this issue, Appellant will provide whatever the Court requires.

2 DATED this 12th day of May, 2005.

3 **DAVIS WRIGHT TREMAINE LLP**



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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Davis Wright  
3 Tremaine LLP, and that, on this date, I deposited for mailing at Portland, Oregon, a true copy of  
4 the **APPELLANT'S RESPONSE TO ORDER DIRECTING FILING OF**  
5 **SUPPLEMENTAL POINTS & AUTHORITEIS** addressed to:

6 Steven S. Owens  
7 Deputy District Attorney  
8 Clark County District Attorney's Office  
9 200 South Third Street, 7<sup>th</sup> Floor  
10 Las Vegas, Nevada 89155

11 Dated this 12<sup>th</sup> day of May, 2005.

12   
13 Linda M. Coffey  
14 Employee of Davis Wright Tremaine LLP