

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER BISTLINE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE CHERYL MOSS, DISTRICT
JUDGE, FAMILY COURT DIVISION,

Respondents,


and

SUSAN M. WATERS,
Real Party in Interest.

No. 48658

FILED

JAN 11 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

This is an original petition for a writ of certiorari challenging a district court's oral ruling denying petitioner's motion to dismiss the "Complaint for Custody" and for the immediate return of the child to petitioner's custody.

A writ of certiorari is available to cure jurisdictional excesses when there is no plain, speedy, and adequate legal remedy.¹

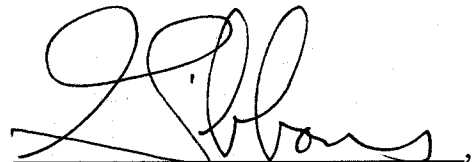
In this case, the real party in interest, the maternal grandmother, has moved the district court for custody of the minor child. Petitioner has opposed the motion and has filed a countermotion to dismiss the matter, arguing in part, that real party in interest does not have standing to seek custody of the child.

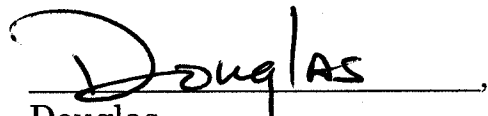
We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In

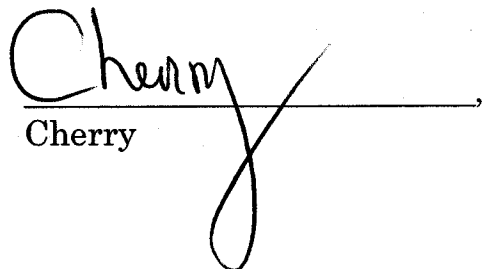
¹NRS 34.020(2).

particular, it does not appear that the district court has entered a written order. We have recognized that “dispositional court orders that are not administrative in nature, but deal with the procedural posture or merits of the underlying controversy, must be written, signed, and filed before they become effective.”² Petitioner has not supplied this court with any written order on which relief could be based.³ Moreover, appellant appears to have an adequate and speedy legal remedy in the form of an appeal from any adverse final custody determination entered in the underlying action.⁴ Accordingly, we deny the petition.⁵

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

²State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004).

³See Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (observing that a petitioner has the burden of supplying documentation and demonstrating that extraordinary relief is warranted).

⁴See NRAP 3A(a) (providing that an aggrieved party may appeal); NRAP 3A(b)(2) (permitting an appeal from an order finally establishing or altering child custody)

⁵See NRAP 21(a), (b), and (c).

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Robert W. Lueck
Michael H. Schwarz
Clark County Clerk