

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESEQUIEL MOYA; DOLORES MOYA;
MARTHA DARENSBOURGH; AND
FREDERICK DARENSBOURGH,
Petitioners,

vs.

MINERAL COUNTY BOARD OF
COMMISSIONERS,
Respondent.

No. 54964

FILED

MAR 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingerson*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

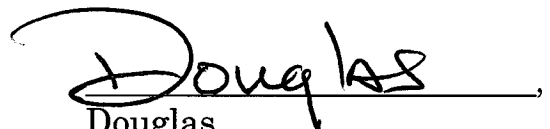
This is an original petition for a writ of mandamus or prohibition challenging a Mineral County Board of Commissioners' decision that granted an NRS 405.195 petition to reopen a Mineral County road known as Little Squaw Creek Road. As directed, respondent has filed an answer.

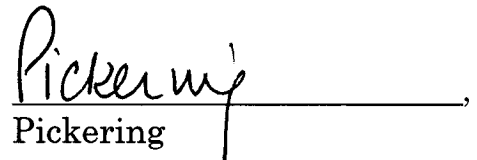
Having reviewed the petition, the appendix thereto, and the answer, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. The petition should have been filed in the district court in the first instance. See MPC Contractors v. Appeals Officer, 111 Nev. 606, 894 P.2d 384 (1995) (explaining that a petition for a writ of prohibition should generally be sought in the district court in the first instance); State ex rel. List v. County of Douglas, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that "this court prefers that an

application [for mandamus] be addressed to the discretion of the appropriate district court" in the first instance). Accordingly, we

ORDER the petition DENIED.¹

 J.
Hardesty

 J.
Douglas

 J.
Pickering

cc: Bell and Young, Ltd.
Mineral County District Attorney
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Mineral County Clerk

¹In light of this order, we deny petitioners' motion for leave to file a reply.