

IN THE SUPREME COURT OF THE STATE OF NEVADA

E.K. MCDANIEL; MATT BAUMAN; ELLIOT BURLEIGH; JOSEPH BRACKBILL; GLORIA CARPENTER; CHRISTOPHER DAVIS; WILLIAM DONNELLY; ROBERT GARDNER; DONITA MELLON; RONNIE MONTOYA; THOMAS PRINCE; DEONA BARRY; ROD LIGHTSEY; ARTHUR NEAGLE; JOHN MESSICK; KENNETH POLACK; JOHN PAUL ORRILLO; CRAIG BYBEE; CURTIS RIGNEY; TONY JONES; JASON COSTNER; DANIEL SCHMIDT; AND MAX CARTER,

Petitioners,

vs.

THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WHITE PINE; AND THE HONORABLE MIRIAM SHEARING,

Respondents,

and

JOSEPH L. MIZZONI,

Real Party in Interest.

No. 57029

FILED

OCT 27 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order calling a jury and the district court's efforts to appoint counsel for real party in interest.

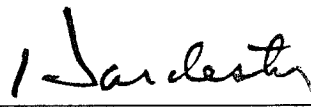
Writs of mandamus and prohibition are generally available only when the petitioners have no plain, speedy, and adequate legal remedy available. NRS 34.170; NRS 34.330. With regard to petitioners' challenge to the order calling a jury, based on the documents provided, it appears that petitioners have filed a document seeking relief from that order based on real party in interest's failure to pay the jury fees, but the district court has not yet ruled on that request. Because petitioners' request for relief in the district court provides a speedy and adequate legal

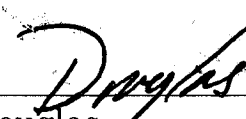
remedy, our intervention by way of extraordinary relief is not warranted with regard to this issue. NRS 34.170; NRS 34.330.

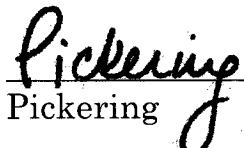
Turning to petitioners' challenge to the district court's efforts to appoint counsel to represent real party in interest in the underlying civil matter, we conclude that petitioners' arguments with regard to this issue likewise do not warrant our intervention by way of extraordinary relief. While there is no right to appointed counsel in civil matters, Rodriguez v. Dist. Ct., 120 Nev. 798, 813, 102 P.3d 41, 51 (2004), petitioners' contention that the district court's efforts to appoint counsel to represent real party in interest are violative of the Nevada Code of Judicial Conduct is not cognizable at this time. Such an assertion should be directed to the district court in the first instance.

Accordingly, for the reasons set forth above, we deny the petition. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Chief Judge, The Seventh Judicial District Court
Hon. Miriam Shearing, Senior Justice
Joseph L. Mizzi
Attorney General/Carson City
White Pine County Clerk