

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY L.O.,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE,

Respondent,
and

WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Real Party in Interest.

No. 62793

FILED

MAR 21 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *K. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF PROHIBITION


This is an original proper person emergency petition for a writ of prohibition challenging the district court's authority to adjudicate the petition for protective custody of petitioner's children.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.330; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our discretion to determine if a writ petition will be considered. Smith, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

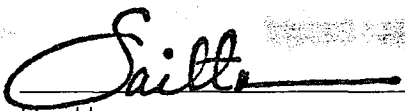
In his petition, petitioner asserts that he was not provided proper notice of the initial hearing regarding the protective custody of his two children. Petitioner was, however, present at a subsequent hearing regarding the protective custody of his children, during which he argued that the district court could not proceed because real party in interest had failed to provide him with proper notice of the initial hearing. This subsequent hearing was then continued to April 1, 2013. As a result, the district court has not yet issued a ruling regarding petitioner's notice argument and this petition is therefore premature.

We trust that respondent will address petitioner's arguments regarding the improper notice of the initial hearing at the April 1 hearing. Under these circumstances, we decline to intervene at this time, and therefore, deny the petition. See NRAP 21(b)(1); see also NRS 34.330; Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Jerry L.O.
Washoe County District Attorney
Washoe District Court Clerk