


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ANTHONY PHOENIX,
Petitioner,
vs.
THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING; AND THE HONORABLE
JIM C. SHIRLEY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80800

FILED

JUN 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court administrative order that requires drug testing, by urinalysis, on all defendants who have been released from custody prior to arraignment and sentencing.

On April 16, 2020, we entered an order directing the State to file an answer to the petition. In response to this court's order, the State filed an answer contending that a change in circumstances rendered the instant petition moot. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (noting that "even though a case may present a live controversy at its beginning, subsequent events may render the case moot"). First, the State informs us that petitioner passed away on March 26, 2020, making the petition moot as to him individually. Second, the State points out that the Eleventh Judicial District Court amended the challenged order on May 11, 2020—narrowing the scope of the order and enumerating a detailed factual basis for special needs that justify

imposition of such testing. Under these circumstances, we conclude that the issues presented in this petition are now moot and this court's intervention by way of extraordinary writ is no longer warranted. *Nat'l Collegiate Athletic Ass'n v. Univ. of Nev., Reno*, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981). Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

cc: Hon. Jim C. Shirley, District Judge
Pershing County Public Defender
Attorney General/Carson City
Attorney General/Las Vegas
Pershing County District Attorney
Pershing County Clerk