


IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA STEFFEN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JACQUELINE M. BLUTH, DISTRICT
JUDGE,
Respondents,
and
MICHELLE HICKS-FINNIGAN,
Real Party in Interest.

No. 87796

FILED

JAN 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This emergency pro se petition for a writ of mandamus challenges a November 8, 2023, district court order granting a motion to dismiss petitioner's complaint for failure to timely effect service of process.¹ In it, she asserts that the district court erroneously required service of process even though real party in interest voluntarily appeared in the action at a hearing on her motion for a temporary restraining order and preliminary injunction, pointing out that the court did not seem to even consider her NRCP 4(c)(1) argument. Petitioner also appears to seek writ relief from an upcoming hearing on a vexatious litigant show cause order.

¹Petitioner's motion for leave to proceed in forma pauperis is granted. Therefore, the filing fee is waived. NRS 12.015; NRAP 21(g).


Having reviewed the petition, supplements thereto,² and appendix, we conclude that our extraordinary and discretionary intervention is not warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Writ relief is available only when there is no plain, adequate, and speedy legal remedy, and here, petitioner has an adequate legal remedy in the form of an appeal from the order dismissing the complaint. *See Pan*, 120 Nev. at 224, 88 P.3d at 841; NRS 34.170, *see also Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev. 816, 819, 407 P.3d 702, 706 (2017) (“A writ of mandamus is not a substitute for an appeal.”). Indeed, appellant previously appealed from that order, and while her appeal was dismissed as premature on December 22, 2023, because a tolling motion for reconsideration remains pending, *see Steffen v. Hicks-Finnigan*, Docket No. 87596, our order expressly recognized that petitioner could file a new notice of appeal once the district court has entered a written order resolving her tolling motion.³


²Petitioner’s motion for leave to file a second supplement to the petition is granted; the clerk of this court shall file the Supplement II provisionally received in this court on December 29, 2023.

³As we noted before, the district court issued a minute order denying the tolling motion on December 11, 2023, but to date, no written order resolving that motion appears on the docket. We further note that successive motions for reconsideration do not toll the appeal period.

Accordingly, as petitioner has available an adequate legal remedy in the form of an appeal, we

ORDER the petition DENIED.⁴


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Jacqueline M. Bluth, District Judge
Sandra Steffen
Michelle Hicks-Finnigan
Eighth District Court Clerk

⁴To the extent appellant challenges the upcoming vexatious litigant hearing, the petition is premature, as the district court has not declared petitioner a vexatious litigant at this time.