

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN K. ELLIS,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
CONNIE J. STEINHEIMER, DISTRICT
JUDGE,

Respondents,

and

JERRY PHILLIPS,
Real Party in Interest.

No. 43009

FILED

APR 08 2004

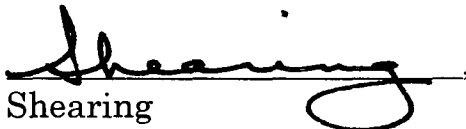
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

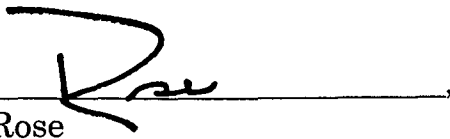
ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This proper person original petition for a writ of mandamus or prohibition challenges a district court order that denied petitioner's motion to dismiss the real party in interest's complaint for unpaid wages. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Specifically, petitioner seeks only a partial dismissal of the underlying action, given petitioner's pending counterclaim for interference with contractual relations and prospective economic advantage, breach of the duties of

loyalty and due care, and declaratory relief. Writ relief is not available to compel a partial dismissal.¹ Accordingly, we deny the petition.²

It is so ORDERED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. Connie J. Steinheimer, District Judge
Kent B. Hanson
Steven M. Hess
Thierman Law Firm
John K. Ellis
Washoe District Court Clerk

¹See Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980) (refusing to consider a writ petition that sought to compel only partial summary judgment); see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that the issuance of a writ of mandamus is purely discretionary with this court).

²See NRAP 21(b).