

IN THE SUPREME COURT OF THE STATE OF NEVADA

KASHARD O. BROWN,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent,  
and  
GEORGE ANN MAYNE,  
Real Party in Interest.

No. 43802

FILED

NOV 15 2004

JANETIE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original proper person petition for a writ of prohibition challenges a district court decision concerning child custody.

Petitioner contends that he is the natural father of the minor child and that the child's mother is deceased. Petitioner also asserts that he is currently incarcerated in the Ely State Prison. He contends that the district court awarded custody to the child's maternal grandmother, the real party in interest. It is unclear from the petition whether the custody award was temporary or permanent. According to petitioner he was not given notice of the custody hearing, and his rights were violated. Thus, petitioner seeks a rehearing of the custody matter.

Having reviewed the petition, we conclude that our intervention by way of extraordinary relief is not warranted at this time. Petitioner did not comply with NRAP 21(a), which provides that a writ petition must contain a factual statement necessary to understand the issues presented, a statement of the issues presented and the relief sought, a statement of the reasons why the writ should issue, and "copies

of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition.” Petitioner has not met his burden of presenting a factual statement or providing documentation that is essential to this court’s understanding of this matter.<sup>1</sup> Accordingly, we deny the petition.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

Becker, J.  
Becker

Agosti, J.  
Agosti

Gibbons, J.  
Gibbons

cc: Eighth Judicial District Court  
Kashard O. Brown  
George Ann Mayne  
Clark County Clerk

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<sup>1</sup>Moreover, we note that petitioner’s relief might be more appropriately sought through the district court proceedings, see EDCR 2.24 and NRCP 60(b), or on appeal from any order that finally establishes or alters child custody. See NRAP 3A(b)(2).

<sup>2</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>3</sup>While petitioner did not pay the required filing fee, see NRAP 21(e) and NRS 2.250(1), he did submit a motion for leave to proceed in forma pauperis. Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered petitioner’s motion, and we waive the filing fee for good cause shown. See NRAP 21(e).