

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM E. SCHAEFFER, AS
DISTRICT ATTORNEY OF
ESMERALDA COUNTY, NEVADA,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF ESMERALDA, AND
THE HONORABLE ROBERT W.
LANE, DISTRICT JUDGE,

Respondents,

and

CARL M. JOERGER, ESQ.,
ACTING DISTRICT ATTORNEY
FOR THE COUNTY OF
ESMERALDA,
Real Party in Interest.

No. 44312

FILED

NOV 29 2004

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

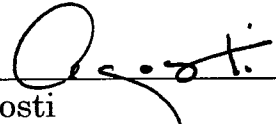
ORDER DENYING PETITION FOR

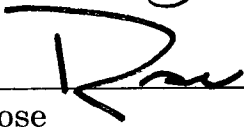
WRIT OF PROHIBITION

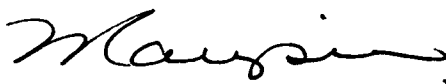
This petition for a writ of prohibition challenges the sufficiency of a summary removal complaint under NRS 283.440. We have considered this petition, and we are not satisfied that this court's

intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.¹

It is so ORDERED.


_____, J.
Agosti


_____, J.
Rose


_____, J.
Maupin

cc: Hon. Robert W. Lane, District Judge
William E. Schaeffer
Esmeralda County District Attorney
Carl M. Joerger
Esmeralda County Clerk

¹See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We note that as petitioner has not raised any issues with respect to NRS 283.440's constitutionality, either facially or as applied, we have not considered the statute in this context.