

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA STATE COMMISSION ON  
ETHICS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SALLY L. LOEHRER, DISTRICT  
JUDGE,

Respondents,

and

MICHAEL MACK,

Real Party in Interest.

No. 44867

**FILED**

MAY 19 2005

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

ORDER DENYING PETITION FOR WRIT OF  
PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court's oral denial of a motion to dismiss a petition for judicial review.

This court will not exercise its discretion to consider writ petitions that challenge orders of the district court denying motions to dismiss, unless no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action.<sup>1</sup> Additionally, this court may exercise its discretion where an important issue of law requires clarification.<sup>2</sup>

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<sup>1</sup>Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

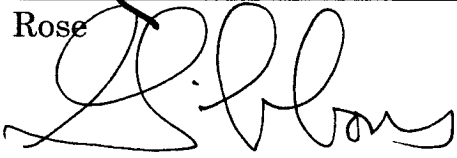
<sup>2</sup>Id.

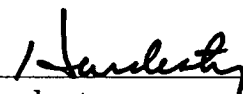
This petition does not fit within the above exceptions. Whether the petitioner's opinion aggrieved the real party in interest Michael Mack within the meaning of NRS 233B.130 is not so clear as to obligate the district court to dismiss Mack's petition for judicial review. In addition, it does not appear that this writ petition raises an issue of such importance that it cannot wait for any direct appeal from the district court's ultimate decision on the petition.

Accordingly, having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. We deny the petition.<sup>3</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Sally L. Loehrer, District Judge  
Attorney General Brian Sandoval/Carson City  
Las Vegas City Attorney  
Clark County Clerk

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<sup>3</sup>NRAP 21(b).