

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL STEWART KEITHLEY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,
Respondents,
and
RUSSEL JOSEPH KEITHLEY AND
DIANE KEITHLEY,
Real Parties in Interest.

No. 47751

FILED

OCT 26 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus challenging the district court's alleged refusal to quash service of process in the underlying case.

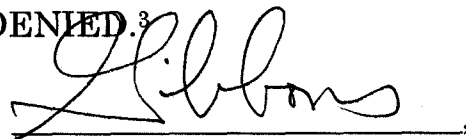
A writ of mandamus is available only where no plain, speedy, and adequate legal remedy exists.¹ This court has repeatedly held that an appeal is an adequate and speedy legal remedy that precludes writ relief.² Here, petitioner has already filed an appeal from the final judgment in the underlying case, which is currently pending before this court in Docket No. 47803. And petitioner has raised the issue of the alleged improper

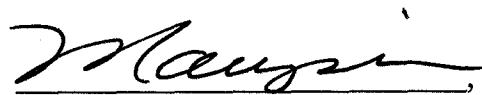
¹NRS 34.170.

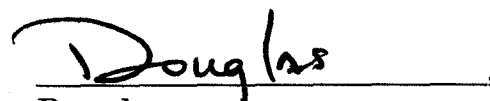
²See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

service of the summons and complaint, which is the focus of this petition, in his civil proper person appeal statement in Docket No. 47803. We therefore conclude that petitioner has a plain, speedy, and adequate legal remedy in the form of an appeal and that this court's intervention by way of extraordinary relief is not appropriate. Accordingly, we

ORDER the petition DENIED.³


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Kenneth C. Cory, District Judge
Russell Stewart Keithley
David R. Ford
Clark County Clerk

³See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We conclude that appellant has shown good cause and therefore we waive the filing fee. See NRAP 21(e).