

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZAYDEE GRIFFITH,  
Petitioner,  
vs.  
THE THIRD JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CHURCHILL, AND THE HONORABLE  
ROBERT E. ESTES, DISTRICT JUDGE,  
Respondents,  
and  
JAMES H. GRIFFITH, JR.,  
Real Party in Interest.

No. 49914

**FILED**

SEP 10 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Alvarado  
DEPUTY CLERK

ORDER DENYING PETITION  
FOR A WRIT OF PROHIBITION OR MANDAMUS

This is an original proper person petition for a writ of prohibition or, in the alternative, mandamus, seeking to prevent the trial of petitioner's district court case from going forward as scheduled.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction.<sup>1</sup> A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,<sup>2</sup> or to control a manifest abuse of discretion.<sup>3</sup> Both prohibition and mandamus are

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<sup>1</sup>See NRS 34.320.

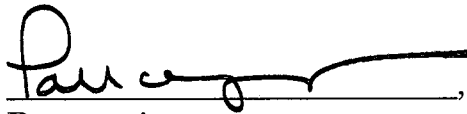
<sup>2</sup>See NRS 34.160.

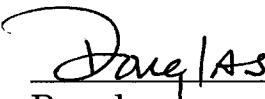
<sup>3</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered.<sup>4</sup> Having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>5</sup>

It is so ORDERED.<sup>6</sup>

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Robert E. Estes, District Judge  
Zaydee Griffith  
Whitehead & Whitehead  
Churchill County Clerk

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<sup>4</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>5</sup>See NRAP 21(b); Smith, 107 Nev. at 679, 818 P.2d at 853.

<sup>6</sup>We note that, if trial went ahead as scheduled on August 1, 2007, and petitioner is aggrieved by the result of the trial, petitioner may raise the issues set forth in her petition as part of an appeal from the final judgment in the underlying case, once a final, written order resolving the case has been entered. See Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (noting that “[t]he district court’s oral pronouncement from the bench, the clerk’s minute order, and even an unfiled written order are ineffective for any purpose”).