

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMAR POMEROY AND DIXIE POMEROY,  
Petitioners

vs.

THE THIRD JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CHURCHILL, AND THE  
HONORABLE DAVID A. HUFF, DISTRICT  
JUDGE,

Respondents,


and

WASHINGTON MUTUAL BANK AND  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION (FANNY MAE),  
Real Parties in Interest.

No. 50390

**FILED**

NOV 13 2007

JAMETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRITS OF  
MANDAMUS, PROHIBITION, AND CERTIORARI

This original proper person petition for writs of mandamus, prohibition, and certiorari challenges the district court's alleged refusal to enter a default judgment against real parties in interest.

This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A writ of prohibition may be issued to compel a district court to cease performing acts beyond its legal authority.<sup>2</sup> Finally, a writ of certiorari is available to cure jurisdictional excesses when there is no

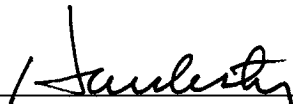
<sup>1</sup>NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).

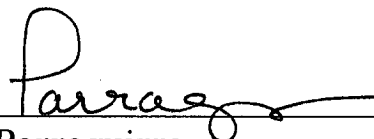
<sup>2</sup>NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

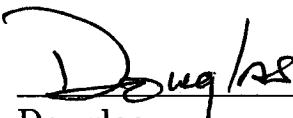
plain, speedy, and adequate remedy at law, such as an appeal.<sup>3</sup> None of these writs will issue when the petitioner has a plain, speedy, and adequate remedy at law.<sup>4</sup> Because these are extraordinary remedies, whether a petition will be considered is entirely within this court's discretion.<sup>5</sup> Also, a petitioner bears the burden of demonstrating that writ relief is warranted.<sup>6</sup>

Here, despite NRAP 21(a)'s direction to provide copies of all documents necessary for an understanding of the matter, petitioners provided no documentation whatsoever concerning the district court action allegedly pending below. Absent such documentation, we cannot evaluate the petition. Accordingly, we deny the petition.

It is so ORDERED.<sup>7</sup>

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

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

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

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<sup>3</sup>NRS 34.020(2).

<sup>4</sup>NRS 34.020(2); NRS 34.170; NRS 34.330

<sup>5</sup>Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

<sup>6</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

<sup>7</sup>We have considered petitioners' October 29, 2007 letter and conclude that any alleged additions to real parties in interest are moot in light of this order.

cc: Hon. David A. Huff, District Judge  
Dixie Pomeroy  
LaMar Pomeroy  
Ezra Burubanowitz  
Claire Y. Dossier  
Churchill County Clerk