

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUBIN S. AUERBACH,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, THE HONORABLE CONNIE
J. STEINHEIMER, DISTRICT JUDGE,
Respondents,

and

HARRAH'S OPERATING COMPANY,
INC. AND OTIS ELEVATOR
COMPANY,
Real Parties in Interest.

No. 50997

FILED

FEB 25 2008

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT RELIEF

This original proper person petition seeks extraordinary writ relief. Generally, a writ may issue only when petitioner has no plain, speedy, and adequate legal remedy,¹ and this court has consistently held that an appeal is generally an adequate legal remedy precluding writ relief.² Here, petitioner apparently seeks to challenge the result of his lawsuit against real parties in interest, and has done so by seeking extraordinary relief in this court rather than by filing a notice of appeal in the district court. To the extent that petitioner wishes to challenge the final judgment in the underlying case, he must file a timely notice of appeal in accordance with the Nevada Rules of Appellate Procedure

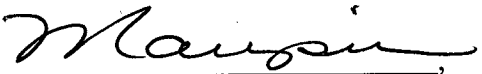
¹NRS 34.170 (mandamus); NRS 34.330 (prohibition).

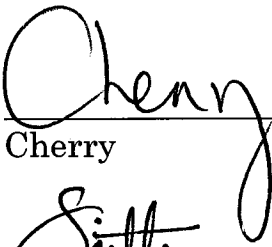
²See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

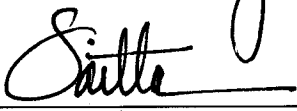
(NRAP). Specifically, appellant must file a notice of appeal in the district court using the procedures outlined in NRAP 3(a) and within the time period detailed in NRAP 4 and NRAP 26(c). If notice of entry of the final judgment has not yet been served, appellant need not wait for service of notice of entry of that order to file his notice of appeal.³

Accordingly, because we conclude that appellant has a speedy and adequate remedy available to him in the form of an appeal,⁴ our intervention by way of extraordinary relief is not warranted, and we

ORDER the petition DENIED.


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

³See NRAP 4(a)(1) (providing that a notice of appeal must be filed after entry of a written judgment or order and no later than thirty days after written notice of entry of the judgment or order appealed from is served).

⁴To the extent that the time period for filing a notice of appeal may have already expired, we note that writ relief is not available to correct any failure on petitioner's part to file a timely notice of appeal. See *id.* at 244-45; 88 P.3d 841.

cc: Hon. Connie J. Steinheimer, District Judge
Rubin S. Auerbach
Hamilton & McMahon
Lemons Grundy & Eisenberg
Washoe District Court Clerk