

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE MOYER A/K/A STEVEN
MOYER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE LISA
KENT, DISTRICT JUDGE, FAMILY
COURT DIVISION,

Respondents,

and

JULIE MOYER,
Real Party in Interest.

No. 51879

FILED

AUG 14 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original proper person petition for a writ of prohibition challenges a district court's extended order for protection against domestic violence on the ground that the order was entered without notifying petitioner and allowing him an opportunity to be heard.


We 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.¹ Prohibition is an extraordinary remedy, and whether a petition for such extraordinary relief

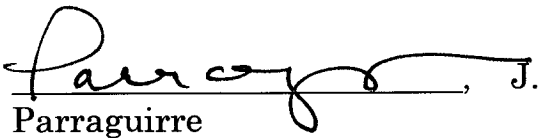
¹See NRS 34.320.

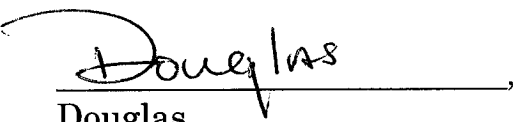
will be considered is solely within our discretion.² Petitioner bears the burden of demonstrating that extraordinary relief is warranted.³

After reviewing the petition and supporting documentation, we conclude that petitioner has not met his burden of demonstrating that our intervention by way of extraordinary relief is warranted.⁴ Accordingly, we

ORDER the petition DENIED.⁵


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁴NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

⁵Petitioner has submitted a motion requesting that this court waive the filing fee. We direct the clerk of this court to file petitioner's motion, provisionally received in this court on July 29, 2008. Petitioner, in his motion, asserts that he is unable to pay the filing fee "due to his poverty." But petitioner offers no support for that proposition. See NRS 12.015. Thus, we deny the motion, and we note that petitioner's failure to pay the filing fee constitutes an independent basis on which to deny his petition. See NRS 2.250; NRAP 21(e).

cc: Hon. Lisa M. Kent, District Judge, Family Court Division
Steve Moyer
Julie Moyer
Eighth District Court Clerk