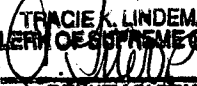


IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID R. MCCOMBS,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
CHUCK WELLER, DISTRICT JUDGE,  
Respondents,  
and  
KIMBERLY GERRED F/K/A  
KIMBERLY MCCOMBS,  
Real Party in Interest.

No. 53758

**FILED**

JUN 03 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

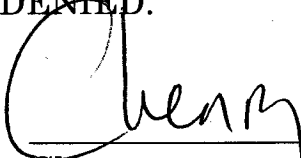
This original petition for a writ of prohibition challenges the district court's jurisdiction to hold a contempt hearing concerning petitioner.

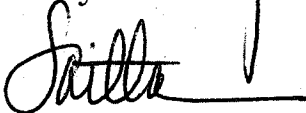
The writ of prohibition is available to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. NRS 34.320. Prohibition is an extraordinary remedy, however, and whether a petition will be considered is within our discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). The petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

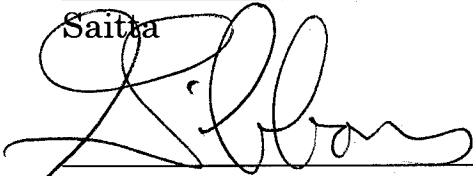
Having considered the petition and its supporting documentation, we are not persuaded that our intervention by way of extraordinary relief is warranted at this time, and we therefore deny the petition. NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851. Should

the district court find petitioner in contempt, he may challenge that order and seek a stay at that time. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Chuck Weller, District Judge, Family Court Division  
David Hamilton  
Marilyn D. York  
Fahrendorf, Vilorina, Oliphant & Oster, LLP  
Washoe District Court Clerk