

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMANTHA PROBST,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,
and
JERRY RICHARD,
Real Party in Interest.

No. 54269

FILED

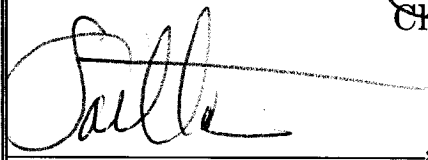
FEB 05 2010


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


ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss for lack of jurisdiction. Having reviewed the petition, its supporting documentation, and the answer, we are not persuaded that writ relief is warranted. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that prohibition is an extraordinary remedy and whether a petition will be considered is within our sole discretion). Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Doug Smith, District Judge
Law Offices of Douglas R. Johnson
Baker Law Offices
Marquis & Aurbach
Eighth District Court Clerk