

IN THE SUPREME COURT OF THE STATE OF NEVADA

D. ERIC PINION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND ROBERT W. TEUTON,

Respondents,

and

DANA STARK,
Real Party in Interest.

No. 55350

FILED

APR 09 2010

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for extraordinary relief challenges a district court order holding petitioner D. Eric Pinion in contempt for failure to submit to court-ordered drug testing. Petitioner asserts that by holding him in contempt and ordering him to serve five days in jail without a supporting affidavit from real party in interest setting forth the facts constituting the contempt, the district court abused its discretion.

On January 29, 2010, this court entered an order temporarily staying the district court's contempt order, directing real party in interest to file an answer by no later than February 18, 2010,¹ and directing Pinion to supplement his writ petition with the documents necessary for this court to render its decision. NRAP 21(a)(4); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (noting that this court's review in a writ proceeding is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to

¹To date, real party in interest has not filed her answer. In light of this order, however, we vacate the portion of the January 29 order directing an answer.

properly evaluate the petition). Although Pinion has supplemented the record with certain district court orders, he has not provided the district court's contempt order, which he challenges in this petition, or the transcript of the contempt proceedings.² As the petitioner, Pinion has the burden of demonstrating that extraordinary relief is warranted, and he has failed to do so. Pan, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition for mandamus relief. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

It is so ORDERED.³

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Robert Teuton, District Judge, Family Court Division
Roberts Stoffel Family Law Group
Ecker & Kainen, Chtd.
Court Reporter, Shelly A. Ajoub
Eighth District Court Clerk

²On March 19, the court reporter notified this court that Pinion requested certain transcripts but that he failed to pay the deposit for the transcripts and they were thus not prepared. According to the notice, Pinion was informed on February 11, 2010, that the deposit was required. See NRAP 9(a)(3)(B).

³In light of this order, we vacate the temporary stay entered on January 29, 2010.