

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, HEALTH AND
HUMAN SERVICES DEPARTMENT,
DIVISION OF CHILD AND FAMILY
SERVICES,
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF ELKO, AND
THE HONORABLE ANDREW J.
PUCCINELLI, DISTRICT JUDGE,
Respondents,
and
CAMERON T.,
Real Party in Interest.

No. 55835

FILED

APR 16 2010

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

ORDER DENYING WRIT RELIEF

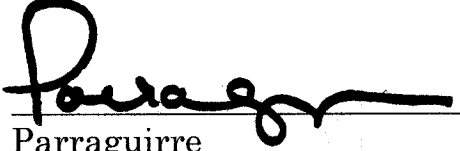
Petitioner has filed a motion for stay bearing the caption format for an original writ petition, but no separate petition has been filed. We therefore construe the motion as a writ petition.¹

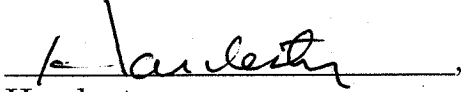
On April 14, 2010, the district court ordered that the child be returned to real party in interest either at the child's April 15, 2010, doctor's appointment or within 48 hours from entry of the district court's order. Because both of those events have passed and petitioner did not indicate in its motion whether it had complied with the district court's

¹The requirement that the petition be supported by the affidavit of the party beneficially interested has not been met, and thus, this court is unable to discern whether the merits support issuance of a writ. NRS 34.170.

order, we assume that petitioner did comply and it thus appears from the face of the documents before us that the issue is moot. Accordingly, we deny the petition.²

It is so ORDERED.


Parraguirre, C.J.


Hardesty, J.


Douglas, J.

cc: Hon. Andrew J. Puccinelli, District Judge
Attorney General/Carson City
A. Grant Gerber & Associates
Elko County Clerk

²We deny the motion for a stay as moot in light of this order.