

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY J. HENDERSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JAMES M. BIXLER, DISTRICT JUDGE,
Respondents,


and

HOUSING AUTHORITY OF THE CITY
OF LAS VEGAS N/K/A SOUTHERN
NEVADA REGIONAL HOUSING
AUTHORITY,
Real Party in Interest.

No. 56597

FILED

AUG 30 2010

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING EMERGENCY PETITION
FOR WRIT OF CERTIORARI

This original petition for a writ of certiorari challenges a district court order affirming a justice court summary eviction.

Petitioner argues that there is no rule permitting the district court to reopen and rehear an already decided appeal from justice court, that real party in interest should not have been permitted to contest the issues of law or fact after failing to timely respond to petitioner's JCRCP 74(c) statement, and that the district court violated her due process rights by denying her the opportunity to confront adverse witnesses.

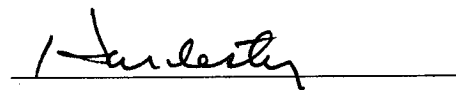
A writ of certiorari is available to correct an inferior tribunal's judicial action if the tribunal exceeded its jurisdiction and "there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy." NRS 34.020(2); Dangberg Holdings v. Douglas Co., 115 Nev. 129, 978 P.2d 311 (1999). Whether a petition for a writ of certiorari will be

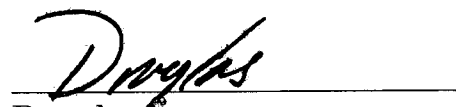
considered is within this court's discretion. Dangberg Holdings, 115 Nev. at 138, 978 P.2d at 316. In determining whether a petition for a writ of certiorari should be considered, this court limits its inquiry to whether the inferior tribunal acted in excess of its jurisdiction. Id. As we have previously explained, "if it is determined that the act complained of was within the jurisdiction of the tribunal, our inquiry stops even if the decision or order was incorrect." Id. (quoting Goicoechea v. District Court, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980)).

Having considered the petition, answer, and the documents submitted in support thereof, we conclude that the district court did not commit error warranting this court's intervention by way of extraordinary relief. See Dangberg Holdings, 115 Nev. at 138, 978 P.2d at 316. We further conclude that petitioner's due process argument lacks merit. See Soebbing v. Carpet Barn, Inc., 109 Nev. 78, 83-84, 847 P.2d 731, 735 (1993) (explaining that due process requires notice and a reasonable opportunity to be heard). Accordingly, we

ORDER the petition DENIED.

 _____, C.J.
Parraguirre

 _____, J.
Hardesty

 _____, J.
Douglas

cc: Hon. James M. Bixler, District Judge
The Eighth District Court Clerk
Nevada Legal Services/Las Vegas
Parker, Nelson & Associates