

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL FOLEY,
Petitioner,

vs.

THE CLARK COUNTY JUSTICE
COURT, HENDERSON TOWNSHIP;
THE HONORABLE STEPHEN GEORGE,
JUSTICE OF THE PEACE; THE
HONORABLE EARL MITCHELL,
CLARK COUNTY CONSTABLE; THE
EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE MICHAEL
VILLANI, DISTRICT COURT JUDGE,
Respondents,
and
APPLETON PROPERTIES, LLC,
Real Party in Interest.

No. 56780

FILED

SEP 08 2010

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

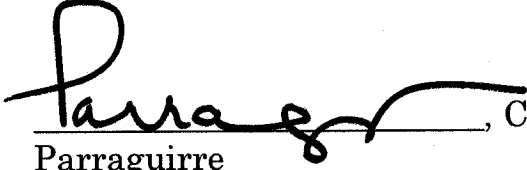
ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS


This original proper person petition for a writ of prohibition or mandamus challenges a justice court order granting a writ of temporary restitution.

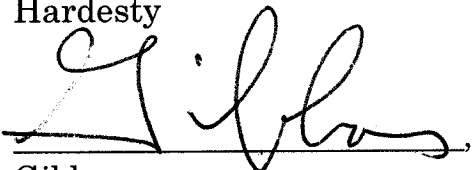
Petitioner asserts that this petition has been filed in this court because the district court was unable to consider it before execution of the temporary writ. He maintains, among other arguments, that the order granting temporary restitution was entered in violation of NRS 40.300(3)(c), which requires that a bond of indemnification be filed before a temporary writ of restitution is issued. While this argument may have arguable merit, because of petitioner's appeal of the challenged order pending in the district court, we conclude that our intervention is

unwarranted at this time. Accordingly, we deny the petition. NRAP 21(b)(1); Smith vs. Dist. Ct., 107 Nev. 674, 818 P.2d 849 (1991).

It is so ORDERED.


Parraguirre, C.J.


Hardesty, J.


Gibbons, J.

cc: Hon. Michael Villani, District Judge
Hon. Stephen L. George, Justice of the Peace
Michael Foley
Roger P. Croteau & Associates, Ltd.
Clark County Clerk