

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 56976

FILED

OCT 13 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Angerson*  
DEPUTY CLERK


ORDER DENYING WRIT PETITION AND REQUEST FOR STAY

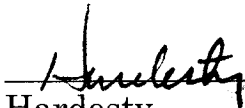
This original proper person petition for a writ of mandamus or prohibition and a writ of certiorari challenges a district court order denying a motion to stay a justice court order granting a writ of restitution.

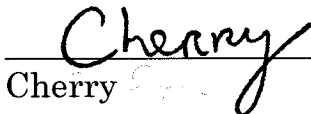
The writs of mandamus, prohibition, and certiorari are extraordinary remedies, and the decision to entertain a petition requesting these forms of relief is within this court's discretion. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); Dangberg Holdings v. Douglas Co., 115 Nev. 129, 978 P.2d 311 (1999). Moreover, petitioner bears the burden of demonstrating that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844

(2004); NRAP 21(c) (providing that a petition for an extraordinary writ other than mandamus or prohibition generally shall be sought in the same manner as a petition for a writ of prohibition or mandamus). Having reviewed this petition and its supporting documentation, we are not persuaded that our intervention by way of extraordinary writ relief is warranted. See NRS 34.020(2); NRS 34.160; NRS 34.320; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981); see also NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
Parraguine, C.J.

  
Hardesty, J.

  
Cherry, J.

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

<sup>1</sup>Petitioner's failure to pay the filing fee constitutes an independent basis for denying this petition. NRAP 21(e).