

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK A. CATE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GAYLE NATHAN, DISTRICT JUDGE,  
Respondents,  
and  
RENE CATE,  
Real Party in Interest.

No. 57940

**FILED**

APR 18 2011

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

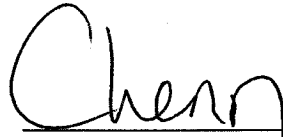
ORDER DENYING PETITION FOR  
WRITS OF MANDAMUS AND PROHIBITION

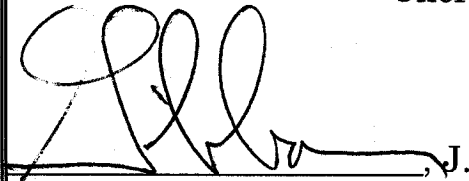
This is an original petition for writs of mandamus and prohibition challenging a district court's written order finding that it does not have subject matter jurisdiction to resolve the parties' custody dispute, finding that it does, however, have jurisdiction to enforce the custody award in the parties' divorce decree, and allowing real party in interest to retrieve the children from petitioner's custody.

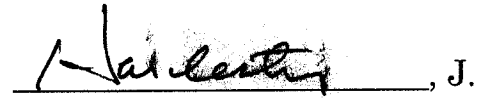
Having considered the writ petition, its supporting documents, and petitioner's April 15, 2011, emergency motion, we conclude that writ relief is not warranted. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Specifically, the challenged order is appealable as a final judgment, and on March 17, 2011, this court docketed petitioner's appeal from the same challenged order. Consequently,

extraordinary relief is unavailable. NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004). Accordingly, we

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

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Gayle Nathan, District Judge  
Smith Legal Group  
Sterling Law, LLC  
Kelleher & Kelleher, LLC  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we deny as moot, real party in interest's April 1 and April 15, 2011, motions for an extension of time to file an opposition to petitioner's stay motion and petitioner's April 15, 2011, emergency motion. Additionally, we vacate our March 14, 2011, temporary stay.