

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA BOARD OF
MEDICAL EXAMINERS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

JAMES S. TATE, JR., M.D.,

Real Party in Interest.

No. 59241

FILED

OCT 06 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER GRANTING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order granting injunctive relief. Prohibition is available to arrest the proceedings of a district court, when such proceedings are without or in excess of the district court's jurisdiction. NRS 34.320. Here, real party in interest filed a petition for judicial review against petitioner before the entry of a final order, which failed to vest the district court with jurisdiction to entertain the matter. NRS 630.356; NRS 630.352(7); see Mikohn Gaming v. Espinosa, 122 Nev. 593, 137 P.3d 1150 (2006). As the district court was without jurisdiction to enter the injunctive order, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF PROHIBITION instructing the district court to vacate the injunctive order and dismiss the petition for judicial review.

Saitta, C.J.
Saitta

Douglas, J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Bradley O. Van Ry
Law Office of Jacob L. Hafter & Associates
Eighth District Court Clerk