

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE LEXUS PROJECT, INC., A NEW
YORK NOT FOR PROFIT
CORPORATION, BY ROBIN
MITTASCH AS TRUSTEE EX REL. A
CERTAIN DOG NAMED ONION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOANNA KISHNER, DISTRICT
JUDGE,

Respondents,

and

CITY OF HENDERSON, NEVADA; AND
HENDERSON ANIMAL CARE AND
CONTROL,

Real Parties in Interest.

No. 60910

FILED

JUN 04 2012

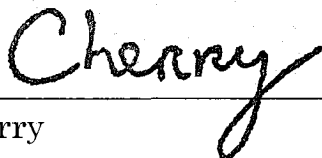
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. M. M...*
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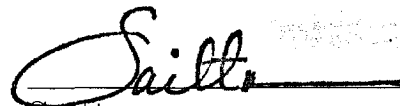
ORDER DENYING PETITION FOR WRIT
OF MANDAMUS OR PROHIBITION

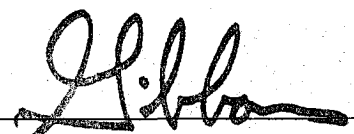
This original petition for extraordinary writ relief asks this court to issue a writ directing the respondent district court to enjoin real parties in interest from taking any action against the dog at issue in the underlying case. Since this petition was filed, however, the district court has entered a final decision denying petitioner's requests for injunctive relief and for reconsideration of an order dissolving a temporary restraining order. That district court order has been appealed. See The Lexus Project v. City of Henderson, Docket No. 60977. Petitioner, who is appellant in the appeal, has filed motions to extend the temporary stay entered in this writ proceeding and for a stay in the appeal.

Because writ relief is generally unavailable to challenge appealable orders, see Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004), and an appeal was properly filed in the underlying case, we deny this writ petition. Any relief related to the underlying case may be properly sought in the appeal. In light of this order, we deny petitioner's motion to extend the stay and we vacate the temporary stay imposed by our May 25, 2012, order.¹

It is so ORDERED.


_____, C.J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Joanna Kishner, District Judge
Las Vegas Litigation Firm
Koeller Nebeker Carlson & Haluck, LLP/Las Vegas
Henderson City Attorney
Eighth District Court Clerk

¹We note that this court granted the motion for stay in the appeal.