

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH K. KELLER,
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

THE LEXUS PROJECT, INC., A NEW
YORK NOT FOR PROFIT
CORPORATION, BY ROBIN MITTASCH
AS TRUSTEE EX REL. A CERTAIN DOG
NAMED ONION; CITY OF HENDERSON,
NEVADA; AND HENDERSON ANIMAL
CARE AND CONTROL,
Real Parties in Interest.

No. 60974

FILED

JUN 01 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

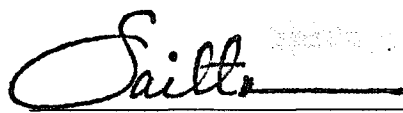
ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original petition for a writ of prohibition challenges a district court order dissolving a temporary restraining order. Petitioner's petition for extraordinary writ relief does not cite to any legal authority that would support granting the requested relief. Instead, she states that she cannot be deprived of her property without adequate notice and an opportunity to be heard, while offering in support of her petition, an affidavit in which she acknowledges relinquishing ownership of the dog that is subject of the ruling. Although petitioner now contests certain findings made by the respondent district court in its order, petitioner was not a party in the proceedings below and she did not seek intervention.

A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Where there is no plain, speedy, and adequate remedy in the ordinary course of law, extraordinary relief may be available. NRS 34.330; Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Whether extraordinary writ relief will be considered is within this court's sole discretion. Smith, 107 Nev. at 677, 818 P.2d at 851. It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted at this time. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Saitta


_____, J.
Hardesty

cc: James W. Clafin, Jr.
Henderson City Attorney
Las Vegas Litigation Firm
Koeller Nebeker Carlson & Haluck, LLP/Las Vegas
Eighth District Court Clerk