

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH A. NORTH,
Appellant,
vs.
JUSTICE KEVIN HIGGINS; AND
JUSTICE COURT OF SPARKS
TOWNSHIP FOR/IN COUNTY OF
WASHOE,
Respondents.

No. 62904

FILED

APR 25 2014

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for writ of mandamus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

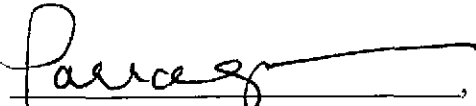
Appellant filed a petition for writ of mandamus for "Arrest of Judgment" and to "Strike Service documents FRCiv 12(f) For NonCompliance." Appellant asserted that the service of an extended order for protection on him was improper because the affidavit of service did not contain the signature of the process server. The district court denied the petition as untimely, and this appeal followed.


Having considered appellant's proper person appeal statement and the record on appeal, we conclude that the district court acted within its discretion in denying appellant's petition for writ of mandamus. NRS 34.160 (explaining that a writ of mandamus may be issued to compel the performance of an act that the law requires); *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006) ("When reviewing a district court order resolving a petition for mandamus relief, this court considers whether the district court has abused its discretion."). The order of protection at issue expired on August 2, 2012, before appellant's filing of his petition for a

writ of mandamus in the district court. As the challenged order had already expired before appellant sought to challenge it, the district court did not abuse its discretion in finding that appellant's petition for writ relief was untimely. *See Personhood Nevada v. Bristol*, 126 Nev. ___, ___, 245 P.3d 572, 574 (2010) (stating that a controversy must be present through all stages of the proceeding). Accordingly, we

ORDER the judgment of the district court AFFIRMED. ¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Kenneth A. North
Attorney General/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹The Office of the Attorney General filed a notice indicating that the Attorney General is not the official attorney responsible for the defense of any named party in this appeal. It appears that the Office of the Attorney General was improperly listed as an attorney for respondents. Accordingly, we direct the clerk of this court to remove the Office of the Attorney General as the attorney of record for respondents and add Washoe County District Attorney Richard A. Gammick as the attorney for respondents.