

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN BONAVENTURA,  
INDIVIDUALLY, AND IN HIS  
CAPACITY AS AN ELECTED  
OFFICIAL LAS VEGAS TOWNSHIP  
CONSTABLE,  
Appellant,  
vs.  
BOARD OF COUNTY  
COMMISSIONERS, CLARK COUNTY,  
A POLITICAL SUBDIVISION OF THE  
STATE OF NEVADA,  
Respondent.

No. 63104

**FILED**

**MAR 14 2014**

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

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order denying a preliminary injunction prohibiting respondent from enacting an ordinance to abolish the office of constable for the Las Vegas township. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

Respondent argues that this appeal should be dismissed as moot. In particular, respondent asserts that the relief sought by appellant in the district court—a preliminary injunction precluding respondent from adopting a particular ordinance—can no longer be granted, as respondent has already adopted the ordinance in question. Appellant does not dispute that respondent has already adopted the ordinance, but argues that this appeal should not be dismissed because the issue presented is capable of repetition, yet evading review. *See Personhood Nev. v. Bristol*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574 (2010) (stating that “[e]ven when an appeal is

moot, . . . we may consider it if it involves a matter of widespread importance that is capable of repetition, yet evading review”).

Having considered the parties’ arguments and the record before us, we conclude that this appeal should be dismissed as moot. In the underlying proceeding, the district court considered whether to prohibit respondent from enacting the ordinance. But at this point, respondent has already taken that action, rendering an appeal from the district court’s order denying a preliminary injunction moot. *See id.* (concluding that an appeal was moot when the court could not “grant effective relief” from the district court’s order).

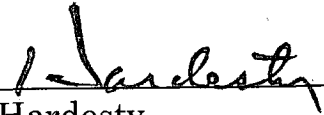
And while appellant purports to challenge the propriety of the ordinance’s enactment, his presentation of such arguments is premature because the district court has not yet had the opportunity to address whether the ordinance must be set aside. Moreover, given that nearly ten months remain before the effective date of the ordinance abolishing the office of constable for the Las Vegas township, we conclude that there is sufficient time for the issue to be presented to the district court and reviewed in the ordinary course of the legal proceeding, such that this appeal does not fall within the capable-of-repetition-yet-evading-review exception to the mootness doctrine.<sup>1</sup> *See Traffic Control Servs., Inc. v. United Rentals Nw., Inc.*, 120 Nev. 168, 171-72, 87 P.3d 1054, 1057 (2004) (concluding that a matter was capable of repetition, yet evading review

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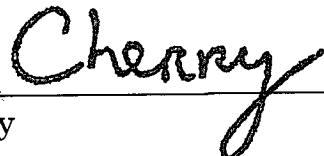
<sup>1</sup>Appellant indicates that the district court has issued a stay of the underlying proceedings pending resolution of this appeal. As we dismiss the appeal, we direct the district court to immediately vacate any stay, so that the issues presented in this matter may be addressed in a prompt and efficient manner.

when it challenged an action involving a “relatively short” duration and there was a “likelihood that a similar issue [would] arise in the future”). Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Rob Bare, District Judge  
Robert B. Pool  
Clark County District Attorney/Civil Division  
Eighth District Court Clerk

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<sup>2</sup>In light of this dismissal, we deny as moot appellant’s February 5, 2014, and February 19, 2014, motions for stay. We further note that, even if appellant is not permitted to file a declaration of candidacy at this time, election officials may be able to amend the ballots or the respondent may be required to hold a special election to ensure that the office of constable remains in place in Las Vegas township if appellant ultimately prevails in the underlying proceedings.