

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO: A.D.A.M. AND R.R.,
JR., MINORS,

DALE H.,
Appellant,

vs.

STATE OF NEVADA DEPARTMENT
OF FAMILY SERVICES,
Respondent.

CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
FRANK P. SULLIVAN, DISTRICT
JUDGE,

Respondents,

and

DALE D.H.,
Real Party in Interest.

No. 65809 ✓

FILED

OCT 20 2014

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

No. 66446

*ORDER DISMISSING APPEAL AND PETITION FOR WRIT OF
MANDAMUS OR PROHIBITION*

These matters are related as they arise out of the same district court case. Docket No. 65809 is a proper person appeal from a district court order terminating appellant Dale H.'s parental rights as to the minor children. Docket No. 66446 is an original petition for a writ of mandamus, or in the alternative, prohibition challenging a district court order providing Dale H. with supervised visitation during the pendency of the appeal in Docket No. 65809.

On September 22, 2014, this court entered an order in Docket No. 65809 directing Dale H. to properly serve the notice of appeal, civil proper person appeal statement, and motion to resubmit the civil proper person appeal statement on respondent and to file in this court a properly completed certificate of service for each of those documents. In so doing, we cautioned Dale H. that failure to comply with this directive would result in the dismissal of this appeal. Thereafter, Dale H. filed a motion for stay. On September 26, 2014, this court entered an order directing Dale H. to properly serve respondent with the motion for a stay and to file in this court a properly completed certificate of service for that document. We once again warned Dale H. that failure to file properly completed certificates of service would subject her to sanctions, including the dismissal of this appeal. The certificates of service were due in this court on October 7, 2014, but to date, no such documents have been filed in this court and Dale H. has not otherwise responded to the directives contained in our September 22 or September 26 orders. Accordingly, we conclude that Dale H. has abandoned this appeal, and we order the appeal in Docket No. 65809 dismissed.¹

As for the order challenged in Docket No. 66446, the district court granted Dale H. supervised visitation with the children while the appeal in Docket No. 65809 was pending. Since we have dismissed the appeal in Docket No. 65809, the writ petition is now moot. *See Personhood Nev. v. Bristol*, 126 Nev. ___, ___, 245 P.3d 572, 574 (2010) (providing that

¹In light of this order, we deny Dale H.'s motions for a stay and to resubmit the civil proper person appeal statement.

a case is moot when a live controversy no longer exists). Accordingly, we dismiss the petition for a writ of mandamus or prohibition.²

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Frank P. Sullivan, District Judge, Family Court Division
Dale H.
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk

²We direct the clerk of this court to file the September 11, 2014, proper person motion and the September 24, 2014, proper person motion to oppose the writ petition. In light of this order, however, we deny these motions.