

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, DIVISION OF  
PUBLIC AND BEHAVIORAL HEALTH,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUGLAS SMITH, DISTRICT JUDGE,  
Respondents,

and

SAMANTHA INC., D/B/A SAMANTHA'S  
REMEDIES, A DOMESTIC  
CORPORATION,

Real Parties in  
Interest.

No. 67423

**FILED**

**JAN 22 2016**

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

*ORDER DENYING PETITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to dismiss a petition for judicial review of the denial of an application to operate a medical marijuana dispensary. Having considered the petition, answer, reply, and oral argument, we conclude that this court's intervention by way of extraordinary relief is not warranted at this time. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991)

(providing that it is within this court's discretion whether to consider a writ petition). Accordingly, we deny the petition.

It is so ORDERED.<sup>1</sup>

Parraguirre, C.J.  
Parraguirre

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

cc: Hon. Douglas Smith, District Judge  
Attorney General/Carson City  
Attorney General/Las Vegas  
Cooper Levenson, P.A.  
Eighth District Court Clerk

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<sup>1</sup>The motion for supplemental briefing filed on December 7, 2015, is denied as moot.