

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELSAYED ELNENAEY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE T.
ARTHUR RITCHIE, JR., DISTRICT
JUDGE,
Respondents,
and
MERVAT O. ELNENAEY,
Real Party in
Interest.

No. 71569

FILED

DEC 20 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of prohibition and a writ of mandamus challenges the district court's tentative scheduling of a hearing related to this court's Order Affirming in Part, Reversing in Part and Remanding entered in the related appeal in Docket No. 67974. Petitioner requests this court to issue an order directing the district to cancel or continue the scheduled hearing on remand until after the remittitur is issued for the appeal in Docket No. 67974.

Initially, we note that this petition was submitted to the supreme court without the required filing fee. Accordingly, the supreme court issued a notice indicating that no action would be taken on the petition until the fee was paid. See NRAP 21(e) (the court shall not consider any application for an extraordinary writ until the petition has been filed and the clerk shall receive no petition for filing until the \$250 fee has been paid). After petitioner paid the filing fee, the supreme court

transferred the petition to this court for resolution. *See* NRAP 17; NRAP 21(a)(1). The petition was transferred to this court after the date that the district court had tentatively calendared the hearing on remand. Further, we note that in an order resolving several filings by appellant in the appeal in Docket No. 67974, which was entered prior to this petition being filed, we clarified that the remittitur is automatically stayed from being issued pending resolution of any petition for rehearing or petition for review by the supreme court. *See* NRAP 41(a)(1) and (2). Accordingly, we deny the petition as moot.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Elsayed Elnenaey
Dickerson Law Group
Eighth District Court Clerk