

IN THE SUPREME COURT OF THE STATE OF NEVADA

JO ANN JACKSON,

No. 36609

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE GARY L. REDMON AND THE
HONORABLE LEE A. GATES, DISTRICT
JUDGES,

FILED

OCT 04 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

Respondents,

and

JANET RAFAEL, A/K/A JANET JACKSON,
AND WILSON RAFAEL, A/K/A WILSON
JACKSON, WIFE AND HUSBAND,

Real Parties in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus challenging (1) Judge Gates' order denying petitioner's motion to disqualify Judge Redmon, (2) Judge Redmon's order imposing \$250 in sanctions against petitioner for filing multiple frivolous motions for summary judgment before the close of discovery, and (3) the district court's orders denying summary judgment.¹

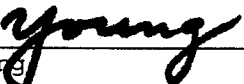
We have reviewed the petition and other documents received from petitioner, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.² First, Judge Redmon's recent death

¹We direct the clerk of this court to amend the caption on this court's docket to conform to the caption on this order.

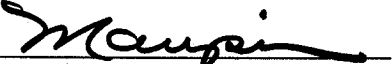
²Although petitioner has not been granted leave to file documents in this matter in proper person, see NRAP 46(b), we have received and considered petitioner's proper person documents. We deny the relief requested therein as moot in light of this order.

will require reassignment of the underlying case to another judge, rendering the issue of his disqualification moot. Second, petitioner has not established that Judge Redmon manifestly abused his discretion, or acted arbitrarily or capriciously, when he sanctioned her for filing multiple motions for summary judgment. The sanctions were authorized by court rule. See E.D.C.R. 7.60(b)(1), (3) & (5) (providing for sanctions when a party presents a frivolous, unnecessary or unwarranted motion, or unreasonably and vexatiously increases costs by multiplying the proceedings, or fails or refuses to comply with a court order). Third, with rare exceptions not present here, this court does not consider writ petitions that challenge district court orders denying motions for summary judgment. See Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997); State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983). Accordingly, we deny the petition.³ See NRAP 21(b).


It is so ORDERED.



Young J.



Maupin J.



Becker J.

cc: Hon. Lee A. Gates, Chief Judge
Law Offices of Robert K. Sparks
Jo Ann Jackson
Clark County Clerk

³The petition also asks this court to disqualify the attorney representing the real parties in interest. The issue is not properly before us, however, as it has not been presented to the district court. A writ of mandamus is not available when petitioner has a plain, speedy and adequate remedy in the ordinary course of law. NRS 34.170.