

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEPARTMENT OF HUMAN RESOURCES,  
DIVISION OF CHILD AND FAMILY  
SERVICES, STATE OF NEVADA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE ROBERT E. GASTON,  
DISTRICT JUDGE, FAMILY COURT  
DIVISION,

Respondents,

and

CAROL EGAN AND BRYAN EGAN,

Real Parties in Interest.

No. 36788

**FILED**

**MAR 14 2001**

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

ORDER DENYING PETITION

FOR WRIT OF MANDAMUS OR PROHIBITION

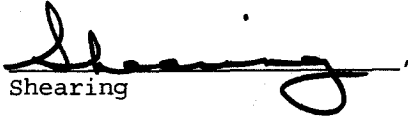
This is an original petition for a writ of mandamus or prohibition challenging an order of the district court concerning the placement of a minor child with the foster parents pending an evidentiary hearing. The real parties in interest have filed an answer to the petition.

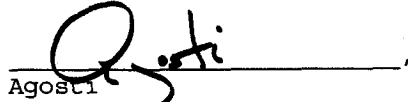
On February 1, 2001, we ordered petitioner to show cause why this petition should not be dismissed as moot. Petitioner has responded to our order, and maintains that although the challenged order is no longer in effect, the order is one that is capable of repetition yet evading review, and therefore falls outside the mootness doctrine.<sup>1</sup>

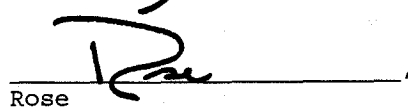
<sup>1</sup>See *Langston v. State, Dep't of Mtr. Vehicles*, 110 Nev. 342, 871 P.2d 362 (1994) (stating that an issue will not be treated as moot if it is capable of repetition yet evading review).

Although we agree that this petition may not be moot, we conclude that our intervention by way of extraordinary relief is not warranted at this time.<sup>2</sup> Accordingly, we deny the petition.

It is so ORDERED.

  
\_\_\_\_\_  
Shearing J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Rose J.

cc: Hon. Robert E. Gaston, District Judge  
Family Court Division  
Attorney General  
Jeffrey A. Cogan  
Dawn M. Lozano  
Graziadei & Cantor, Ltd.  
Clark County Clerk

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<sup>2</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).