

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK S. OBERMEYER,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEFANY MILEY, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 78194

**FILED**

MAR 06 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This petition for a writ of habeas corpus challenges a district court order granting a motion in limine to admit expert testimony regarding retrograde extrapolation in a criminal prosecution for driving under the influence causing death. Having reviewed the petition, we are not convinced that a writ of habeas corpus is available to challenge the respondent district court's pretrial evidentiary ruling. See NRS 34.360 ("Every person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint."); NRS 34.500 (setting forth grounds for discharge on writ of habeas corpus where "petitioner is in custody by virtue of process from any court of this State"); cf. *Kinsey v. Sheriff*, 94 Nev. 596, 584 P.2d 158 (1978) (observing

that habeas corpus statutes do not permit “a pretrial challenge to an order denying a motion for discovery”). Accordingly, we

ORDER the petition DENIED.

Hardesty, J.  
Hardesty

Stiglich, J.  
Stiglich

Silver, J.  
Silver

cc: Hon. Stefany Miley, District Judge  
Mace J. Yampolsky, Ltd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk