

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHANE OWENS,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE RENA  
G. HUGHES, DISTRICT JUDGE,  
Respondents,  
and  
ASHLEY OWENS,  
Real Party in Interest.

No. 72786

**FILED**

SEP 21 2017

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

*ORDER DISMISSING IN PART AND DENYING IN PART  
PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges district court decisions finding petitioner in contempt and declaring him a vexatious litigant.


With regard to petitioner's challenge to the contempt order, after petitioner filed a document in this court indicating he had been released from jail, we directed him to address whether this sequence of events rendered his challenge to that order moot. The time to respond to this directive has since expired and petitioner has failed to respond as directed. Accordingly, we conclude that any challenge to the underlying contempt order is moot and therefore dismiss the petition to the extent it challenges that determination. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (explaining that appellate courts generally will not consider moot issues).


Turning to the district court's vexatious litigant determination, as support for his challenge to this ruling, petitioner cites *Peck v. Crouser*,

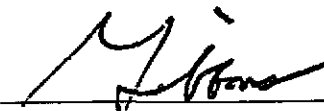
129 Nev. 120, 295 P.3d 586 (2013), for the proposition that an original writ petition is the appropriate vehicle for challenging a vexatious litigant order as such determinations are not appealable. But *Peck's* holding in this regard was limited to post-judgment vexatious litigant orders, as opposed to interlocutory vexatious litigant orders, which the *Peck* court noted had previously been reviewed in the context of an appeal from a final judgment. *Id.* at 123, 295 P.3d 587.

Here, the district court's vexatious litigant ruling was set forth as part of the underlying divorce decree. Under these circumstances, the proper vehicle for challenging the vexatious litigant determination was by challenging this ruling in the context of an appeal from the divorce decree. *Id.* And because petitioner had a speedy and adequate remedy available to challenge the vexatious litigant determination, our intervention by way of extraordinary relief is not warranted. See NRS 34.170 (providing that mandamus relief is available where petitioner has no speedy and adequate legal remedy); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (providing that an appeal is generally an adequate remedy that precludes writ review). As a result, we deny the petition to the extent that it challenges the district court's vexatious litigant ruling.

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

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

<sup>1</sup>Because petitioner withdrew the stay motion he filed in this court, no action on that motion is necessary.

cc: Hon. Rena G. Hughes, District Judge, Family Court Division  
Elisabeth S. Flemming, Chtd.  
Roberts Stoffel Family Law Group  
Eighth District Court Clerk