

IN THE SUPREME COURT OF THE STATE OF NEVADA

NILES PLEMON AND DENISE HOLMES,

No. 37193

Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF NYE, AND THE
HONORABLE JOHN P. DAVIS, DISTRICT
JUDGE,

FILED

Respondents,

FEB 22 2001

and

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

SANDRA L. MERLINO, NYE COUNTY
CLERK; CAMERON MCRAE, NYE COUNTY
COMMISSIONER; IRA "RED" COPASS,
NYE COUNTY COMMISSIONER; RICHARD
"DICK" CARVER, NYE COUNTY
COMMISSIONER; JEFF TAGUCHI, NYE
COUNTY COMMISSIONER; AND BOB
DAVIS, NYE COUNTY COMMISSIONER, IN
THEIR INDIVIDUAL AND OFFICIAL
CAPACITY,

Real Parties in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is a proper person petition for a writ of mandamus challenging a district court order denying petitioners' petition for a writ of mandamus, denying a new trial, and denying petitioners' petition for judicial review.

An order denying extraordinary relief is an appealable final order.¹ Also, an order denying a new trial may be appealed.² Finally, the order denying judicial review disposed of all issues before the district court, and thus it is appealable as a final judgment.³ A writ of mandamus may not issue when the petitioner has a plain, adequate and speedy

¹NRAP 3A(b)(1); Ashokan v. State, Dept. of Ins., 109 Nev. 662, 856 P.2d 244 (1993).

²NRAP 3A(b)(2).

³NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. ___, 996 P.2d 416 (2000); Bally's Grand Hotel v. Reeves, 112 Nev. 1487, 929 P.2d 936 (1996).

remedy in the form of an appeal.⁴ As petitioners may appeal from all of the orders challenged in this writ petition, and have in fact filed a notice of appeal that has been docketed in this court as Docket No. 37213, extraordinary relief is inappropriate. Accordingly, we

ORDER the petition for a writ of mandamus DENIED.⁵

Young J.
Young
Rose J.
Rose
Becker J.
Becker

cc: Hon. John P. Davis, District Judge
Nye County Commissioners
Denise Holmes
Niles Plemon
Nye County Clerk

⁴NRS 34.170; *Guerin v. Guerin*, 114 Nev. 127, 953 P.2d 716 (1998).

⁵Although petitioners were not granted leave to appear in proper person, see NRAP 46(b), we have nevertheless considered the proper person documents received from petitioners. Petitioners failed to pay the filing fee required by NRS 2.250(1)(a), and this constitutes an independent basis for denial of the petition. NRAP 21(e).