

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TODD MATTHEW PHILLIPS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VINCENT OCHOA, DISTRICT JUDGE,
Respondents,
and
AMBER PHILLIPS,
Real Party in Interest.

No. 79709-COA

FILED

OCT 08 2019

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original petition for a writ of prohibition challenges a district court order extending, for approximately three additional months, a previously extended temporary protection order awarding real party in interest temporary custody of the parties' minor child.

Having reviewed the petition and supporting documents, we conclude that petitioner has not met his burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Under NRS 33.080(3), as amended effective July 1, 2019, the district court may extend a temporary protection order for up to two years. Although petitioner asserts that real party in interest failed to file any application alleging domestic violence and that the district court failed to hold a hearing on domestic violence, petitioner later asserts that real party in interest filed a "bogus" application and the court entered the first extended protection order based on domestic violence findings after an evidentiary hearing. Petitioner did

not provide us with the district court's order(s) regarding the first extension, any transcripts related to that extension or the most recent extension, or the district court docket entries, and he has pointed to no law requiring another domestic violence hearing or a custody revocation hearing on the matter under these circumstances. Further, petitioner has not explained whether he has sought parenting time in some form with the child in the district court and the status of any custody proceedings. NRS 33.030(1)(d) authorizes the district court to grant temporary child custody to a temporary protection order applicant, and petitioner has not demonstrated that NRS Chapter 128's termination of parental rights provisions apply. Finally, petitioner asserts that he has asked the district court for relief from the challenged order, which motion the district court has not yet considered but is set to do so next month. Accordingly, petitioner has not met his burden to demonstrate that a writ of prohibition is warranted at this time, *see* NRS 34.320, and we decline to intercede. We thus

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Vincent Ochoa, District Judge
Todd Matthew Phillips
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk