

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDAL N. WIIDEMAN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
STEPHEN L. HUFFAKER, DISTRICT
JUDGE,

Respondents,

and

WAZIR ENTERPRISES, L.P.,
Real Party in Interest.

No. 39050

FILED

MAY 15 2002

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This is an original proper person petition for a writ of prohibition challenging a district court temporary restraining order. Petitioner seeks a writ of prohibition directing the district court to vacate the portion of its December 3, 2001 order granting real party in interest's motion for a temporary restraining order.

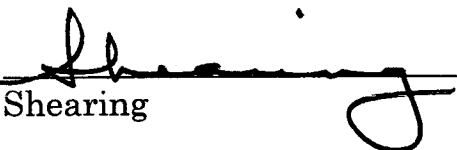
This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court.¹ A petition for a writ of prohibition is addressed to the sound discretion of this court.² We have considered this petition and answer, and we are not

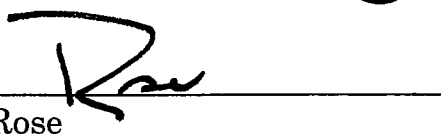
¹NRS 34.320.

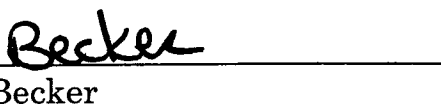
²Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

satisfied that this court's intervention by way of extraordinary relief is warranted at this time.³ Accordingly, we

ORDER the petition DENIED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Jennifer Togliatti, District Judge
Evans & Associates
Randal N. Wiideman
Clark County Clerk

³See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

Petitioner's failure to submit proof of service of the writ petition on the respondent district judge and the real party in interest constitutes an independent ground upon which we could deny the writ petition. NRAP 21(a).

We note that petitioner has failed to pay the filing fee required by NRS 2.250(1)(a). While petitioner's failure to pay the filing fee constitutes an independent basis for dismissal, we have nonetheless considered the merits of this petition. See NRAP 21(e). Moreover, although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered all proper person documents filed or received in this matter, and we conclude that the relief requested therein is not warranted.