

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON ASHLEY HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,
and
LESLIE LEE TAYLOR,
Real Party in Interest.

No. 39106

FILED

MAY 15 2002

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court's refusal to set aside a default and to dismiss the case, based on the plaintiff's failure to serve process within 120 days of filing the complaint,¹ and failure to prosecute the case within five years.² We have considered this petition and the answer thereto, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.

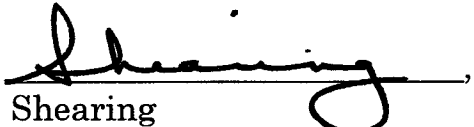
Although this petition was filed on January 23, 2002, it appears that a final judgment in the case was entered on March 6, 2002. At such time, a direct appeal became available to petitioner. A writ of

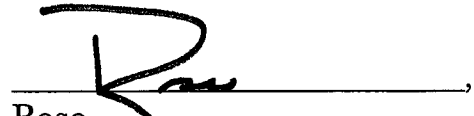
¹See NRCP 4(i).

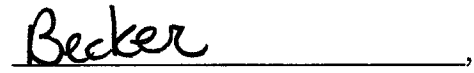
²See NRCP 41(e).

mandamus shall issue only when there is no plain, speedy, and adequate remedy in the ordinary course of law.³ Accordingly, we

ORDER the petition DENIED.⁴


Shearing, J.


Rose, J.


Becker, J.

cc: Hon. Mark R. Denton, District Judge
Rands, South, Gardner & Hetey
George R. Carter
Clark County Clerk

³See NRS 34.170; Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998) (refusing to consider issues that are appealable through a writ proceeding) abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000). We deny as moot petitioner's March 29, 2002 motion to file a reply to the answer.

⁴See NRAP 21(b). We deny petitioner's request for a stay as moot, in light of this disposition. We note additionally that petitioner provided no supporting arguments or authorities regarding the propriety of a stay, and otherwise failed to demonstrate that a stay was warranted. See NRAP 8.