

IN THE SUPREME COURT OF THE STATE OF NEVADA

MERILYN SELF,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SHIRLEY B. PARRAGUIRRE, CLARK
COUNTY CLERK,
Respondents.

No. 39234

FILED

MAY 15 2002

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the Clark County Clerk's Office's refusal to retroactively file a complaint accompanied by an insufficient filing fee as of the date of its receipt. 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 at this time.¹ Accordingly, we

ORDER the petition DENIED.

Shearing, J.
Shearing

Rose, J.
Rose

Becker, J.
Becker

¹At this juncture, there is no indication that a motion to dismiss petitioner's action has been filed, or that the district court would grant such a motion despite the circumstances surrounding the late filing of petitioner's complaint. We conclude that appropriate relief from application of the statute of limitations should first be sought in the district court. Further, if petitioner's action is ultimately dismissed by the district court based on limitations ground, an appeal appears an adequate remedy. See NRS 34.170; Hickey v. District Court, 105 Nev. 729, 782 P.2d 1336 (1989); see also NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Shirley B. Parraguirre, Clark County Clerk
Karla K. Butko
Clark County District Attorney/Civil Division