

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK KADDIK AND KATHRYN  
MATTOS (KADDIK),  
Petitioners,

vs.

THE THIRD JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF LYON,  
AND THE HONORABLE ARCHIE E.  
BLAKE, DISTRICT JUDGE,

Respondents,

and

JOHN J. CHIAPPONE AND GARY K.  
NESS,  
Real Parties in Interest.

No. 40153

FILED

MAR 06 2003

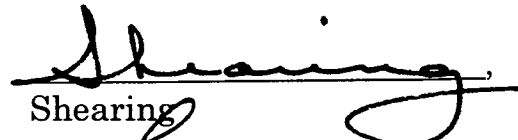
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Rubarb*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION


This is a proper person original petition for a writ of mandamus or prohibition challenging district court orders that required petitioners to make payments on a land sales contract and that found petitioners in contempt for failing to make those payments. Petitioners have also moved for a stay of the contempt order and a subsequent order directing petitioners to purge the contempt or lose possession of the property. Finally, petitioners have supplemented their petition, apparently seeking review of the final judgment.

We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.<sup>1</sup> Accordingly, we deny the petition.<sup>2</sup> The motion for a stay is denied as moot.<sup>3</sup>

It is so ORDERED.

 J.  
Shearing

 J.  
Leavitt

 J.  
Becker

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<sup>1</sup>NRS 34.170; NRS 34.330; Karow v. Mitchell, 110 Nev. 958, 962, 878 P.2d 978, 981 (1994) (stating that the availability of appellate review forecloses the issuance of a writ of mandamus or prohibition); Rim View Trout v. Dept. of Water Res., 809 P.2d 1155, 1156-57 (Idaho 1991) (recognizing that an appeal is not an inadequate remedy merely because the petitioner has missed the time for appealing); State v. Court of Appeals for Cuyahoga Cty., 564 N.E.2d 86, 88 (Ohio 1990) (same); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that the issuance of a writ of mandamus or prohibition is purely discretionary with this court).

<sup>2</sup>See NRAP 21(b).

<sup>3</sup>We vacate our temporary stay entered in this case on October 16, 2002. Although petitioners have not been granted permission to file documents in this matter in proper person, see NRAP 46(b), we have received and considered their proper person documents.

cc: Hon. Archie E. Blake, District Judge  
Wayne A. Pederson  
Frank Kaddik  
Kathryn Mattos Kaddik  
Gary Kevin Ness  
Lyon County Clerk