

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD ROBERT SIBLEY,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
SCOTT JORDAN, DISTRICT JUDGE,  
FAMILY COURT DIVISION,  
Respondents,  
and  
NICOLE NANCY TROMBLEY,  
Real Party in Interest.

No. 40806

FILED

MAR 05 2003

JANE TIE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original proper person petition for a writ of prohibition seeks a writ from this court directing the district court to refrain from any further action in the underlying child custody proceeding.

A writ of prohibition is available to arrest proceedings that exceed the court's jurisdiction.<sup>1</sup> Petitions for extraordinary relief are addressed to this court's sound discretion.<sup>2</sup>

Based on the documents before this court, the procedural history in this matter is unclear. Under NRAP 21(a), petitioner has the

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<sup>1</sup>NRS 34.320.

<sup>2</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); NRS 34.170; NRS 34.330.

burden of providing this court with a statement of facts necessary for this court's understanding of all issues raised and must also attach all documents needed for this court to render its decision. According to petitioner, on June 10, 2002, he filed a complaint for divorce from the real party in interest in Montana. Petitioner contends that a default judgment was entered against the real party in interest in Montana, but the order failed to address the issue of child custody. Thus, on July 19, 2002, petitioner filed a petition for a writ of mandamus in the Montana Supreme Court to resolve the issue of child custody. Petitioner does not attach to his writ petition before this court any copies of documents he allegedly filed or that were entered by the courts in Montana. We are unable to discern without supportive documentation what issues have been presented or addressed in Montana. Petitioner has failed to meet his burden under NRAP 21(a).

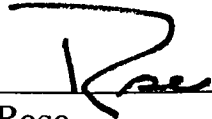
Petitioner also seeks a writ to prevent the district court from conducting a hearing on January 22, 2003, on the issue of child custody. As the time for the January hearing has passed, it appears that this issue may be moot.<sup>3</sup> We note that petitioner filed his petition in this court less than one week before the scheduled hearing date.


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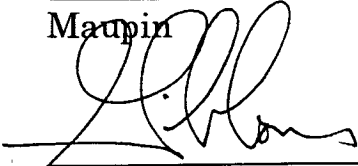
<sup>3</sup>See NCAA v. University of Nevada, 97 Nev. 56, 624 P.2d 10 (1981) (providing that a court's duty is to decide actual controversies by a judgment that can be carried into effect, not to give opinions on moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue).

Accordingly, our intervention by way of extraordinary relief is not warranted at this time. We therefore deny the petition.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Scott Jordan, District Judge, Family Court Division  
Edward Robert Sibley  
Nicole Nancy Trombley  
Washoe District Court Clerk