

IN THE SUPREME COURT OF THE STATE OF NEVADA

JO ANN JACKSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
GENE T. PORTER, DISTRICT JUDGE,
Respondents,

and

JANET RAFAEL, A/K/A JANET
JACKSON, AND WILSON RAFAEL,
A/K/A WILSON JACKSON, HUSBAND
AND WIFE,
Real Parties in Interest.

No. 41500

FILED

JUN 12 2003

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This is an original proper person petition for a writ of prohibition. A writ of prohibition is available to arrest the proceedings of a district court operating in excess of its jurisdiction.¹ A petition for a writ of prohibition is addressed to the sound discretion of this court,² and such a writ may issue only when there is no plain, speedy, and adequate remedy at law.³ Further, petitioner has the burden of providing this court with a statement of facts necessary for this court's understanding of all

¹NRS 34.320.

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

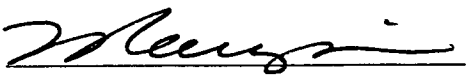
³NRS 34.330.


issues raised, and must attach all documents needed for this court to render its decision.⁴

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.⁵ Accordingly we,

ORDER the petition DENIED.⁶


_____, J.
Rose


_____, J.
Maupin


_____, J.
Becker

⁴NRAP 21(a).

⁵To the extent that petitioner challenges interlocutory rulings in the district court, petitioner has an adequate remedy in the form of an appeal from any adverse final judgment. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998).

⁶The petition included a request for a stay of proceedings. However, the basis of petitioner's request, and exactly which proceedings petitioner seeks to stay are unclear from the petition. Therefore, we deny petitioner's request. It appears that petitioner's request relates to the five-year rule of NRCP 41(e). We note that the time during which district court proceedings are stayed tolls the NRCP 41(e) prescriptive period. See Boren v. City of North Las Vegas, 98 Nev. 5, 638 P.2d 404 (1982). Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from petitioner. We conclude that the documents submitted by the petitioner demonstrate good cause to waive the filing fee. See NRAP 21(e).

cc: Hon. Gene T. Porter, District Judge
Hon. Stephan Huffaker, District Judge
Jo Ann Jackson
Janet Rafael
Wilson Rafael
Clark County Clerk