

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT B. METZ,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
STEVEN P. ELLIOTT, DISTRICT  
JUDGE,

Respondents,

and

NEVADA DIVISION OF INSURANCE,  
Real Party in Interest.

No. 41859

**FILED**

AUG 20 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person petition for a writ of mandamus challenges District Judge Steven P. Elliott's dismissal of petitioner's judicial review petition for failure to formally serve it on the Nevada Division of Insurance, with a summons, in accordance with NRCP 4. Petitioner has also challenged the dismissal on direct appeal in Docket No. 41755. Because the availability of an appeal precludes writ relief,<sup>1</sup> we

ORDER the petition DENIED.

*Shearing* J.  
Shearing

*Leavitt* J.  
Leavitt

*Becker* J.  
Becker

<sup>1</sup>See NRS 34.170 (stating that writ of mandamus may only issue if there is no other plain, speedy and adequate remedy); Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000) (noting that an appeal is generally an adequate remedy).

cc: Hon. Steven P. Elliott, District Judge  
Robert B. Metz  
Attorney General Brian Sandoval/Carson City  
Washoe District Court Clerk