

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MARKING; AND  
ELIZABETH FLEMING,  
Appellants,  
vs.  
VIRGINIA GALLEGOS,  
Respondent.

No. 56064

**FILED**

**SEP 15 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellants' petition for extraordinary writ relief that sought to challenge temporary protection orders issued against appellants by the justice court. Sixth Judicial District Court, Lander County; Richard Wagner, Judge.

Temporary orders for protection (TPOs) from stalking, aggravated stalking, or harassment were issued against appellants by the justice court pursuant to NRS 200.591. Appellants sought, by petition for writ of mandamus, to challenge the TPOs in the district court.<sup>1</sup> In denying appellants' writ petition, the district court found that the TPOs were not extended orders and appellants did not have standing to bring an interlocutory appeal in district court pursuant to NRS 200.591(4) (providing that an interlocutory appeal lies to the district court if an extended protection order is issued by a justice court).

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<sup>1</sup>Appellants first sought to file an appeal to challenge the issuance of the TPOs in district court, which was improperly rejected by the justice court clerk. Appellants then petitioned the district court for writ relief.

Orders finally resolving district court petitions for extraordinary relief are appealable to this court. NRS 2.090(2); NRAP 3A(b)(1); City of N. Las Vegas v. Dist. Ct., 122 Nev. 1197, 1203, 147 P.3d 1109, 1113 (2006). We review the district court's denial of a writ petition under an abuse of discretion standard. DR Partners v. Bd. of County Comm'rs, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000).

Appellants failed to submit copies of the TPOs issued by the justice court with their writ petition to the district court, and the TPOs were not otherwise included in the record on appeal. Because the record on appeal does not contain the TPOs, we presume that they support the district court's decision. Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Having reviewed the opening brief and the record on appeal, we conclude that the district court did not abuse its discretion in denying appellants' petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Richard Wagner, District Judge  
Elizabeth Fleming  
Michael Marking  
Virginia Gallegos  
Lander County Clerk

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<sup>2</sup>Having reviewed appellants' remaining arguments, we conclude that they lack merit.