

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMY NIEMEYER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE N.
ANTHONY DEL VECCHIO, DISTRICT
JUDGE, FAMILY COURT DIVISION,
Respondents,
and
JEFF C. NIEMEYER,
Real Party in Interest.

No. 43741

FILED

AUG 09 2004

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus seeks to compel the district court to conduct a hearing no later than August 9, 2004, in the underlying child custody matter.

A writ of mandamus may issue to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of discretion.² An extraordinary writ is generally only available when there is no plain, speedy and adequate remedy at law, and the decision whether to grant a writ petition is discretionary.³


¹NRS 34.160.


²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

³NRS 34.170; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991).

Having reviewed the petition, we conclude that extraordinary relief is not warranted at this time. Accordingly, we deny the petition.

It is so ORDERED.


_____, J.
Rose


_____, J.
Becker


_____, J.
Douglas

cc: Hon. N. Anthony Del Vecchio, District Judge, Family Court Division
Pico, Escobar & Rosenberger, Ltd.
~~Chat A. Bowers~~ Stephen A. Bowers
Clark County Clerk

08-10-04
Corrected
counsel
and re-mailed
order. jck