

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER A. JONES,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
RONALD D. PARRAGUIRRE,
DISTRICT JUDGE,

Respondents,

and

MICHELE D. HAMMOND,
Real Party in Interest.

No. 44213

FILED

AUG 11 2005

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

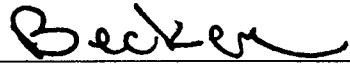
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus.

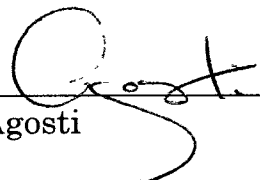
On September 8, 2004, petitioner Christopher A. Jones filed a motion for writs of attachment, execution, and garnishment against judgment debtor Michelle D. Hammond, real party in interest, in the Eighth Judicial District Court. Jones sought to attach Hammond's bank accounts and personal property and to garnish her wages. On October 5, 2004, the district court ordered garnishment of 25% of Hammond's income from the Clark County School District, adding that "[t]he garnishment of [Hammond's] wages is the only attachment ordered by the Court at this time." The district court also added that "[Jones] is to prepare and submit an order within ten days and distribute a filed copy to all parties involved in the matter." Jones then filed this petition for writ of mandamus, asking this court to order the district court to attach Hammond's bank accounts and personal property as he had requested in his motion.

NRS 31.013(1) provides, in relevant part and with emphasis added that “[t]he court may after notice and hearing, order the clerk to issue a writ of attachment in. . .an action upon a judgment.” Under this statute, the district court may, but is not mandated to, issue a writ of attachment when an application is made by the judgment creditor. NRS 34.160 provides that a writ of mandamus may be issued “to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station.” Additionally, a writ of mandamus may be issued to control an arbitrary or capricious exercise of discretion.¹ Since the district court is not obligated by law to issue writs of attachment and did not manifestly abuse its discretion in denying the writs of attachment, a writ of mandamus is not available in this case. Therefore, we

ORDER the petition DENIED.²


_____, C. J.
Becker


_____, Sr. J.
Shearing


_____, Sr. J.
Agosti

¹Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

²In light of this order, petitioner’s request for leave to proceed in proper person is denied as moot. NRAP 46(b).

cc: Eighth Judicial District Court Dept. 3, District Judge
Christopher Anthony Jones
Michele D. Hammond
Clark County Clerk