

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GAURDIANSHIP OF THE PERSON
AND ESTATE OF N. S.

No. 47521

ROY R. AND MICHELLE R.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
GERALD W. HARDCASTLE, DISTRICT
JUDGE, FAMILY COURT DIVISION,
Respondents,
and
MARIA L.,
Real Party in Interest.

FILED

JUN 30 2006

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


ORDER DENYING PETITION FOR
WRIT OF MANDAMUS

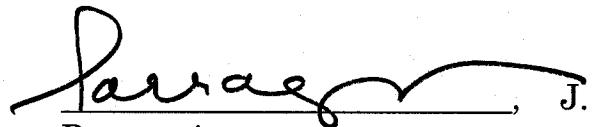
This is an original petition for a writ of mandamus challenging a district court order that (1) denied petitioners' motion for a stay of the transition plan to transfer the minor child from her foster home to the home of her grandmother, (2) denied a request for the appointment of counsel to represent the child, and (3) denied a request for an evidentiary hearing.

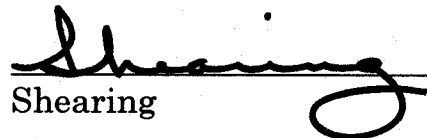
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or

station,¹ or to control an arbitrary or capricious exercise of discretion.² Whether to issue a writ is within this court's discretion.³ We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Becker


_____, J.
Parraguirre


_____, Sr. J.
Shearing

¹NRS 34.160.

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

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

⁴See NRAP 21(b).

⁵In light of this order, we deny as moot petitioners' request that this writ petition be consolidated with Clark County District Attorney. v. District Court (Ringrose), Docket No. 47489.

The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Bret O. Whipple
Clark County Legal Services Program, Inc.
Clark County Clerk