

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROYAL GAMING, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE LEE
A. GATES, DISTRICT JUDGE,
Respondents,

and

HMA SALES, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Real Party in Interest.

No. 47718

FILED

AUG 17 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
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 expunging a notice of lis pendens in a real estate contract dispute.

Mandamus is a proper remedy to compel the performance of an act which the law requires as a duty resulting from office.¹ Mandamus will not be issued to control discretionary action, unless discretion is manifestly abused or is exercised arbitrarily or capriciously.² The issuance of a writ of mandamus is an extraordinary remedy that is purely discretionary with this court.³


¹NRS. 34.160; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

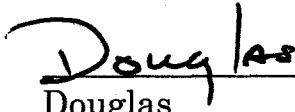
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

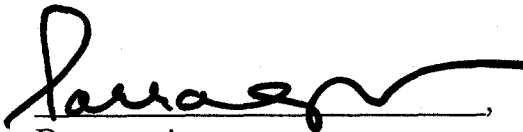
³Smith, 107 Nev. at 677, 818 P.2d at 851.

Having reviewed the petition, we conclude that extraordinary relief is not warranted, and we decline to intervene. Accordingly, we deny the petition.

It is so ORDERED.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Lee A. Gates, District Judge
Lionel Sawyer & Collins/Las Vegas
Coleman Law Associates
Clark County Clerk