

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARYANN DECKER,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, THE HONORABLE
BRIDGET ROBB PECK, DISTRICT
JUDGE,

Respondents,
and

NANCY ROBERTS,
Real Party in Interest.

No. 47874

FILED

DEC 11 2006

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order granting real party in interest's request for an extension of time to serve petitioner in the underlying case.

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 a manifest abuse of discretion.² The counterpart to a writ of mandamus, a writ of prohibition is available when a district court

¹See NRS 34.160.

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

acts without or in excess of its jurisdiction.³ Both mandamus and prohibition are extraordinary remedies, and it is within this court's discretion to determine if a petition will be considered.⁴ Having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁵

It is so ORDERED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Second Judicial District Court Dept. 7, District Judge
David L. Riddle & Associates
Lawrence D. Wishart
Washoe District Court Clerk

³State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002); NRS 34.320.

⁴See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁵See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.