

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKY DUBUC, JR., AND RICKY
DUBUC,
Appellants,

vs.

FIDEL SALCEDO AND PATRICIA
LYNCH, JUSTICES OF THE PEACE,
RENO TOWNSHIP JUSTICE COURT,
WASHOE COUNTY, NEVADA,
Respondents.

No. 49639

FILED

MAY 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a petition for a writ of mandamus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellants filed a petition for a writ of mandamus in district court, challenging a justice court order refusing to disqualify a justice of the peace. The district court concluded that writ relief was not warranted because the affidavit of disqualification was not properly served and the challenged justice of the peace permissibly evaluated whether service was proper. This appeal followed.

A writ of mandamus is available to compel the performance of an act that the law especially enjoins as a duty resulting from an office, trust or station¹ or to control a manifest abuse of discretion.² Mandamus

¹NRS 34.160.

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

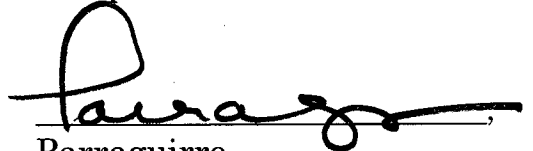
will not issue when a plain, speedy, and adequate remedy at law exists.³ Mandamus is an extraordinary remedy, and the decision as to whether a petition will be entertained lies within the court's discretion.⁴ We review a district court's decision to grant or deny a petition for a writ of mandamus for an abuse of discretion.⁵

Having reviewed the briefs and the record, we conclude that the district court did not abuse its discretion in refusing to grant extraordinary relief. Accordingly, we

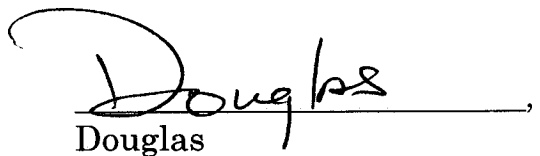
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Parraguirre

 J.

Douglas

³NRS 34.170.

⁴Kussman v. District Court, 96 Nev. 544, 612 P.2d 679 (1980).

⁵DR Partners v. Bd. of County Comm'rs, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000).

cc: Hon. Steven P. Elliott, District Judge
Martin H. Wiener
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick /Civil
Division
Washoe District Court Clerk