

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WALIA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHAEL VILLANI, DISTRICT
JUDGE,
Respondents,
and
RICHLAND HOLDINGS, INC.,
Real Party in Interest.

No. 50030

FILED

SEP 10 2007

GANNETT M. BLOOM
CLERK OF SUPREME COURT
BY A. Alvarado
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order affirming a justice court decision.

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 The writ will not issue, however, when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law.³ Moreover, it is

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

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

³NRS 34.170; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

entirely within this court's discretion to determine if such petitions will be considered.⁴

Because the district court has final appellate jurisdiction over justice court matters,⁵ this court generally declines to consider writ petitions requesting review of a district court's decision on appeal.⁶ Indeed, so as not to undermine the finality of the district court's appellate decision, we typically will not consider such petitions unless the district court has improperly refused to exercise its jurisdiction or, in rendering its decision, exceeded its jurisdiction or exercised its discretion in an arbitrary or capricious manner.⁷ It is petitioner's burden to demonstrate that extraordinary relief is warranted.⁸

Here, having considered the petition and supporting documents, we conclude that petitioner has not shown that our deviation from the general rule is appropriate. In particular, it appears that the district court has properly exercised jurisdiction over petitioner's appeal and has not exercised its discretion arbitrarily or capriciously; as a result,

⁴See Smith, 107 Nev. 674, 818 P.2d 849.

⁵Nev. Const. art. 6, § 6; see State of Nevada v. Dist. Ct., 116 Nev. 127, 134, 994 P.2d 692, 696 (2000).

⁶See State of Nevada, 116 Nev. at 134, 994 P.2d at 696.

⁷Id. at 134, 994 P.2d at 697 (explaining that, "[a]lthough loath to deviate from [this court's] general practice" of not considering writ petitions challenging district courts' appellate decisions, the court might do so to resolve a split of authority amongst the lower courts on issues of statewide importance).

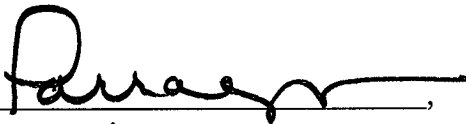
⁸Pan, 120 Nev. at 228-29, 88 P.3d at 844; NRAP 21(a).

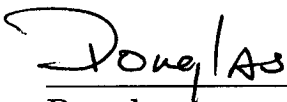
our intervention by way of extraordinary relief is not warranted.⁹

Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Michael Villani, District Judge
Robert W. Lueck
Wilde Hansen, LLP
Eighth District Court Clerk

⁹See Floyd v. District Court, 36 Nev. 349, 352, 135 P. 922, 923 (1913) (providing that “[e]rrors committed in the exercise of judicial discretion cannot be made the subject of review, nor can they be corrected by a writ of mandamus”).