

IN THE SUPREME COURT OF THE STATE OF NEVADA

SABRINA MOYES,  
Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
HUMBOLDT, AND THE HONORABLE  
JOHN M. IROZ, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA DIVISION  
OF CHILD AND FAMILY SERVICES,

Real Party in Interest.

No. 51606

**FILED**

SEP 05 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

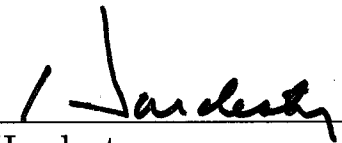
This original petition for a writ of mandamus challenges a district court order regarding custody of a minor child.

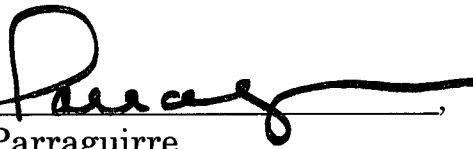
In her petition, petitioner sought enforcement of the child-parent reunification provisions under NRS 432B.393 and alleged that her due process rights were violated when she was denied a reunification plan with her child without appropriate findings under NRS 432B.393(3).

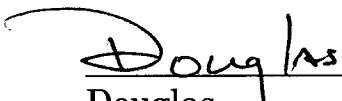
On July 16, 2008, real party in interest filed a supplement to its answer pursuant to this court's order. The documents included in the supplement demonstrate that, after the petitioner filed her petition in this court, the real party in interest established a case plan for petitioner, which contemplates petitioner's reunification with the child.

Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.<sup>1</sup> A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> Having considered this petition, the answer thereto, and the supplement to the answer, it appears that this court's intervention by way of extraordinary relief is not warranted at this time, as petitioner appears to have been granted the relief she sought in her petition. Accordingly, we deny the petition.<sup>3</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

---

<sup>1</sup>Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983).

<sup>2</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

<sup>3</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. John M. Iroz, District Judge  
Humboldt-Pershing County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Humboldt County District Attorney  
Michael Macdonald  
Humboldt County Clerk