

IN THE SUPREME COURT OF THE STATE OF NEVADA

INTERNATIONAL FIDELITY INSURANCE  
COMPANY AND SWIFT BAIL BONDS, INC.,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND, THE  
HONORABLE KATHY A. HARDCASTLE,  
DISTRICT JUDGE,  
Respondents,  
and  
CITY OF LAS VEGAS,  
Real Party in Interest.

No. 52436

**FILED**

FEB 05 2009

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

ORDER GRANTING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of mandamus challenges a district court order reversing a municipal court order in an ancillary bail bond matter. As directed, the real party in interest has filed an answer to the petition.

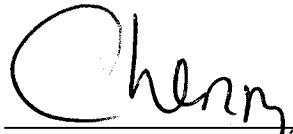
Our review of this petition and the answer reveal that the district court lacked jurisdiction to consider the real party in interest's appeal. As no rule or statute authorizes an appeal from an order entered in an ancillary bail bond proceeding, a petition for a writ of mandamus is the appropriate vehicle for challenging such an order. International Fid. Ins. v. State of Nevada, 122 Nev. 39, 42, 126 P.3d 1133, 1134 (2006). Real party in interest City of Las Vegas, which sought to challenge a municipal court order entered in an ancillary bail bond proceeding, filed an appeal rather than an original petition for writ relief in the district court. Because such an order is not appealable, the district court lacked

jurisdiction to consider the appeal. Id. (instructing parties to file writ petitions to challenge bail bond orders).

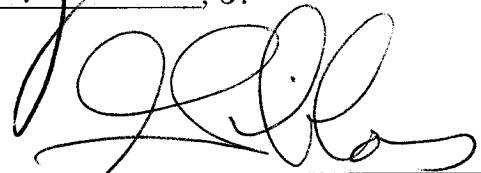
A writ of mandamus is available to control a manifest abuse of discretion or to compel an act that the law requires. Id. at 42, 126 P.3d at 1134. The counterpart to mandamus, a writ of prohibition is available to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of its jurisdiction. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether to consider a petition for extraordinary writ relief is within our sole discretion. Id.

Here, petitioner specifically sought mandamus. But as the district court exceeded its jurisdiction by considering an appeal from an order that was not appealable, we conclude that prohibition is the appropriate remedy. See Smith, 107 Nev. at 677, 818 P.2d at 851. We therefore construe the petition as one seeking prohibition. See City of Sparks v. District Court, 112 Nev. 952, 920 P.2d 1014 (1996). As the district court lacked jurisdiction to consider the City of Las Vegas's appeal, we grant the petition and instruct the clerk of this court to issue a writ of prohibition, directing the district court to vacate its order reversing the municipal court's decision and to dismiss the City of Las Vegas's appeal.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge  
Jones Vargas/Las Vegas  
Las Vegas City Attorney  
Eighth District Court Clerk