

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR GUZMAN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
GERALD W. HARDCASTLE, DISTRICT
JUDGE, FAMILY COURT DIVISION,

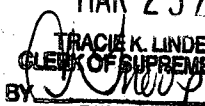
Respondents,

and

KELLIE PERKINS,
Real Party in Interest.

No. 53120

FILED

MAR 25 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

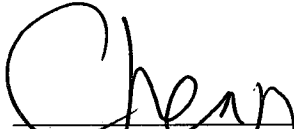
ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

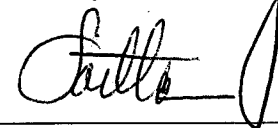
This is an original proper person petition for a writ of mandamus that seeks to compel the district court to comply with this court's July 14, 2008, order, which reversed the district court's order denying petitioner's motion for change of venue and directed the district court to transfer this case to the proper county.


A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse. See NRS 34.160; Mineral County v. State, Dep't of Conserv., 117 Nev. 235, 20 P.3d 800 (2001). Mandamus is an extraordinary remedy, however, and it is within our discretion to determine if a petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Furthermore, petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition and answer, we are not persuaded that writ relief is warranted. Petitioner Guzman sought to compel the district court to comply with this court's July 2008 order directing the district court to reverse its order denying Guzman's motion for a change of venue. Respondents' March 12, 2009, answer states that an order granting a change of venue has been filed and that the matter is being immediately forwarded to the Sixth Judicial District Court clerk. A copy of the order granting a change of venue is attached to respondents' answer. As the relief petitioner was seeking has been granted, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Chief Judge, Eighth Judicial District
Hon. Gerald W. Hardcastle, Senior Judge
Oscar Guzman
D. Bruce Anderson
Eighth District Court Clerk