

IN THE SUPREME COURT OF THE STATE OF NEVADA

RACHELL A. RHEIN,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SANDRA L. POMRENZE, DISTRICT  
JUDGE,

Respondents,

and

NOAH C. RHEIN,  
Real Party in Interest.

No. 58317

**FILED**

**JUN 09 2011**

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

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition arising from district court post-divorce decree disputes concerning child custody and spousal and child support.

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. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). It is within our discretion to determine if a writ petition will be considered. Smith, 107 Nev. at 677, 818 P.2d at 851.

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).

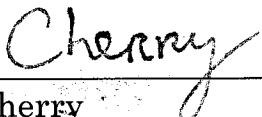
Having considered the petition and the attached documents, we are not persuaded that extraordinary relief is warranted.<sup>1</sup> Smith, 107 Nev. at 677, 818 P.2d at 851. In particular, petitioner has not met her burden of demonstrating that writ relief is warranted because she failed to provide this court with a signed, written order that has been filed in the district court. See NRAP 21(a)(4); Pan, 120 Nev. at 228-29, 88 P.3d at 844. The district court minutes attached to petitioner's writ petition are of no effect. See State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 451-54, 92 P.3d 1239, 1243-45 (2004) (recognizing that a clerk's "minute order" or a district court's oral ruling that addresses a case's merits is invalid for any purpose). Moreover, writ relief is unavailable when the petitioner has a plain, speedy, and adequate remedy at law, such as an appeal challenging the district court's order regarding the parties' custody and support disputes. NRS 34.170; NRS 34.330; Pan, 120 Nev. 222, 88 P.3d 840. Once the district court enters a written order resolving these issues, any aggrieved party may appeal. NRAP 3A(b)(7) (authorizing an appeal from an order finally establishing or altering custody of a minor child);


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<sup>1</sup>We grant petitioner's May 11, 2011, request to consider the appendices that were previously filed in this court under seal in Docket No. 57007. We did not, however, consider any documents that lacked a district court file stamp, as it is unclear if those documents were made a part of the district court record. Cf. Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981) (recognizing that this court will not consider any documentation not properly appearing in the district court record).

NRAP 3A(b)(8) (allowing an appeal to be taken from a special order entered after final judgment). Accordingly, we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Sandra L. Pomrenze, District Judge, Family Court Division  
Michael A. Root  
Noah C. Rhein  
Eighth District Court Clerk