

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE GEORGE DUFF,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
CHUCK WELLER, DISTRICT JUDGE,
Respondents,

and

YOLANDA FOSTER F/K/A YOLANDA
DUFF,
Real Party in Interest.

No. 58467

FILED

JUL 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRITS OF MANDAMUS AND PROHIBITION


This original proper person petition for writs of mandamus and prohibition challenges a district court order vacating a portion of a 1993 divorce decree.

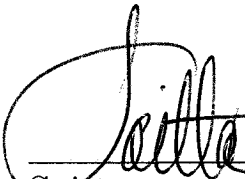
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to 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. In either instance, writ relief is only available when there is no plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. It is within this court's discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674,

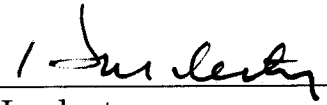
677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the writ petition and its supporting documents, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted. See id. We therefore decline to exercise our discretion to consider the petition and, we order the petition denied. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Douglas


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Chuck Weller, District Judge, Family Court Division
Tyrone George Duff
Yolanda Foster
Washoe District Court Clerk