

IN THE SUPREME COURT OF THE STATE OF NEVADA

JONATHAN MACARTHUR,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SUSAN JOHNSON, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 59441

**FILED**

JUL 30 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

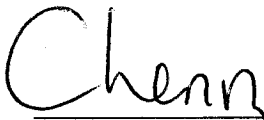
This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order holding petitioner in contempt of court and imposing sanctions.

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. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a writ of mandamus or prohibition will be considered is purely discretionary with this court. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Whether a party is guilty of contempt is generally within the district court's particular knowledge, and thus, a district court's contempt order "should not lightly be overturned." Pengilly

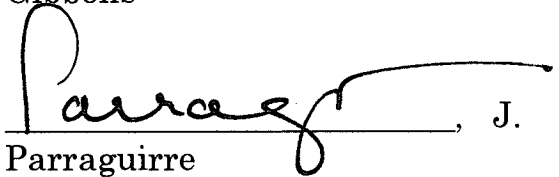
v. Rancho Santa Fe Homeowners, 116 Nev. 656, 640, 5 P.3d 569, 571 (2000).

Having considered the petition and answer thereto, we conclude that our intervention by way of extraordinary relief is not warranted. Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition denied.<sup>1</sup>

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

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

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

cc: Hon. Susan Johnson, District Judge  
Thomas F. Pitaro  
Attorney General/Las Vegas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we vacate the temporary stay entered on October 18, 2011.