

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG MCKINNEY,
Petitioner,
vs.
THE TENTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CHURCHILL; AND
THE HONORABLE WILLIAM ROGERS,
DISTRICT JUDGE,
Respondents,
and
RICK MARTINEZ, PERSONALLY AND
IN ANY RELATED CORPORATE
CAPACITY; SHANNON MARTINEZ,
PERSONALLY AND IN ANY RELATED
CORPORATE CAPACITY; AND FIRE
EXTINGUISHER SERVICE CENTER,
LLC,
Real Parties in Interest.

No. 60155

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malm
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

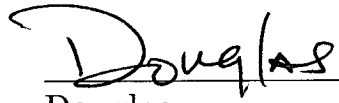
This original petition for a writ of mandamus challenges a district court order dismissing petitioner's complaint in a contract action.

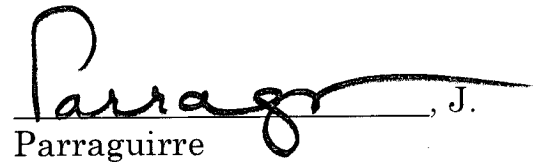
A writ of mandamus is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. This court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Here, petitioner has an adequate legal remedy in the form of an appeal from a final judgment, see NRAP 3A(b)(1), and, moreover, petitioner notes in his writ petition that he has already concurrently filed an appeal in this court challenging the same dismissal at issue in this writ petition. See generally McKinney v.

Martinez, Docket No. 60017. Accordingly, we conclude that our intervention by way of extraordinary relief is not warranted, Pan, 120 Nev. at 224, 88 P.3d at 841; NRAP 21(b)(1), and we

ORDER the petition DENIED.


Gibbons


Douglas


Parraguirre

cc: Hon. William Rogers, District Judge
Martin G. Crowley
James F. Sloan
Churchill County Court Administrator