

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAUGHLIN TOWNSHIP CONSTABLE
JORDAN ROSS, AN INDIVIDUAL; AND
HENDERSON TOWNSHIP CONSTABLE
EARL MITCHELL, AN INDIVIDUAL
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE RONALD J.
ISRAEL, DISTRICT JUDGE,

Respondents,

and

CONSTABLE JOHN BONAVENTURA,
AN INDIVIDUAL,
Real Party in Interest.

No. 61411

FILED

AUG 06 2012

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court preliminary injunction prohibiting constables in Clark County from executing or serving legal papers outside of their respective townships.

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, 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; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851

(1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Here, petitioners seek to challenge a district court order granting a preliminary injunction. Because an order granting an injunction is substantively appealable, see NRAP 3A(b)(3), petitioners have a speedy and adequate legal remedy in the form of an appeal from the district court's order. See NRAP 4(a)(1) (stating that the notice of appeal must be filed within 30 days from the date when written notice of entry of the order appealed from is served). Thus, we decline to consider this petition for extraordinary relief, NRAP 21(b); International Game Tech., 124 Nev. at 197, 179 P.3d at 558; Pan, 120 Nev. at 224, 88 P.3d at 841; Smith, 107 Nev. at 677, 818 P.2d at 851 (explaining that "the issuance of a writ of mandamus or prohibition is purely discretionary with this court"), and we

ORDER the petition DENIED.¹

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

¹In light of this order, we deny as moot petitioners' motion for a stay.

cc: Hon. Ronald J. Israel, District Judge
Goodman Law Group
Spencer M. Judd
Eighth District Court Clerk