


IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CARL MISIEWICZ,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN SCANN, DISTRICT JUDGE,
Respondents,
and
RIO PROPERTIES, INC., A NEVADA
CORPORATION D/B/A RIO ALL SUITE
HOTEL AND CASINO ALSO D/B/A RIO
SUITE HOTEL & CASINO,
Real Party in Interest.

No. 62054

FILED

DEC 17 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original proper person petition for a writ of mandamus challenging the district court's sanction of petitioner for filing a meritless motion to dismiss the underlying action.

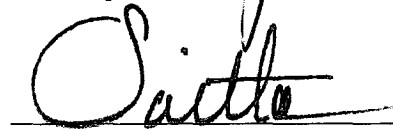
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our discretion to determine if a writ petition will be considered. 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; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. An appeal is typically an adequate legal remedy precluding writ relief.

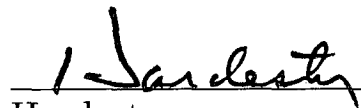
Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Id. at 228, 88 P.3d at 844.

Having considered the petition and the attached documents, we conclude that extraordinary relief is not warranted. To the extent that petitioner is aggrieved by the district court's order, he will be able to challenge it on appeal from any final judgment ultimately entered in the action below. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that a party may challenge an interlocutory order in the context of an appeal from a final judgment); see also NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Accordingly, as petitioner has a speedy and adequate remedy available in the form of an appeal, we deny the petition. See NRAP 21(b)(1); Pan, 120 Nev. at 224, 88 P.3d at 841.

It is so ORDERED.


_____, C.J.
Cherry


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Susan Scann, District Judge
William Carl Misiewicz
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk