

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO I.C.,

TRAVIS C.,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE FRANK P.
SULLIVAN, DISTRICT JUDGE,
Respondents,
and
CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES; CLARK COUNTY
DISTRICT ATTORNEY'S OFFICE; AND
MARITES C.,
Real Parties in Interest.

No. 62650

FILED

FEB 21 2013

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

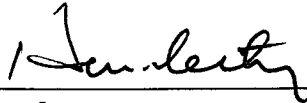
This is an original petition for a writ of mandamus, or alternatively, prohibition, seeking to prohibit the Honorable Robert Teuton from presiding over trial in this matter, to compel the district court to grant petitioner's peremptory challenge under SCR 48.1 of Judge Teuton, and to reassign the case to either the Honorable Frank Sullivan or another randomly assigned district judge.

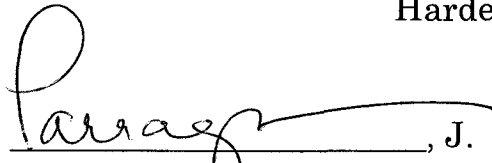
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Either writ is an extraordinary remedy, and whether such a writ will be

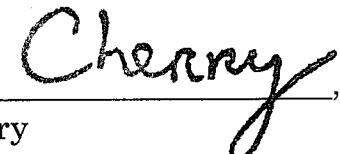
considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is not available when an adequate and speedy legal remedy exists, and the right to appeal is generally considered to be such a remedy. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Moreover, it is the petitioner's burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

Having considered the petition and appendix, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Specifically, petitioner may challenge the assignment of Judge Teuton and raise issues concerning SCR 48.1 in an appeal from any adverse final judgment. Pan, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Frank P. Sullivan, District Judge, Family Court Division
Aaron Grigsby
Clark County District Attorney/Juvenile Division
Special Public Defender
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's motion for a stay of the district court proceedings.