

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY HAUGABOOK,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JENNIFER ELLIOTT, DISTRICT  
JUDGE,

Respondents,

and

LISA ANNE HAUGABOOK,  
Real Party in Interest.

No. 63510

**FILED**

SEP 19 2013

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

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*


This is a proper person original petition for a writ of mandamus or prohibition that challenges a district court order holding petitioner in contempt and denying his motion to modify child custody.

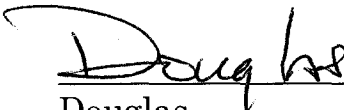
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320; *State v. Eighth Judicial Dist. Court*, 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Both mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

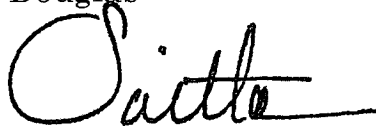
Petitioner has the burden of demonstrating that our extraordinary intervention is warranted, and an appeal is typically considered an adequate legal remedy that precludes writ relief. NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. See NRAP 21(b); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851 (stating that the issuance of an extraordinary writ is purely discretionary with this court). Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Anthony Haugabook  
Lisa Anne Haugabook  
Attorney General/Carson City  
Eighth District Court Clerk