

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: I.W.; D.W. AND  
C.P., MINORS,

No. 63559

**FILED**

JUL 12 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Malmé*  
DEPUTY CLERK

CHRISTINA W.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ROBERT TEUTON, DISTRICT JUDGE,  
Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

*ORDER DENYING PETITION FOR A WRIT OF MANDAMUS  
OR, IN THE ALTERNATIVE, PROHIBITION*


This is an original petition for a writ of mandamus or, in the alternative, prohibition that challenges a district court order terminating state custody over two of the minor children and directing that the children be placed with their father.

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 our discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's

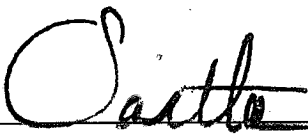
burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioner acknowledges in the petition that no written order reflecting the district court's ruling has been entered. This court has held that the district court's oral pronouncement from the bench is ineffective for any purpose. *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987). Moreover, the district court noted at the July 2, 2013, hearing that the State of Illinois is the jurisdiction to resolve the issue of custody as to these children. Under these circumstances, 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.<sup>1</sup>

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

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

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

cc: Hon. Robert Teuton, District Judge, Family Court Division  
Special Public Defender  
Clark County District Attorney/Juvenile Division  
Eighth District Court Clerk

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<sup>1</sup>In light of our decision in this matter, we deny petitioner's request for a stay as moot.