

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZHI YUAN GONG; AND QIN YING
BAO,
Petitioners,
vs.
THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES TODD RUSSELL,
DISTRICT JUDGE,
Respondents,
and
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
Real Party in Interest.

No. 63734

FILED

AUG 15 2013

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

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

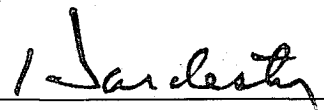
This original petition for a writ of certiorari challenges a district court's order denying a writ of prohibition or mandamus arising from a justice court summary eviction action.

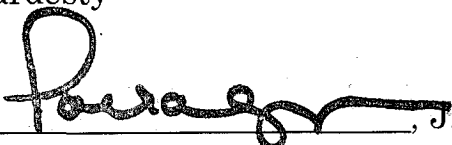
A writ of certiorari is available to correct a lower tribunal's judicial action if the tribunal exceeded its jurisdiction and "there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy." NRS 34.020(2); *Dangberg Holdings Nev., L.L.C. v. Douglas Cnty. and its Bd. of Cnty. Comm'rs*, 115 Nev. 129, 137-38, 978 P.2d 311, 316 (1999). Whether a petition for a writ of certiorari will be considered is within this court's discretion. *Dangberg Holdings*, 115 Nev. at 138, 978 P.2d at 316. Moreover, petitioners bear the burden of demonstrating that this court's intervention by way of extraordinary writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844

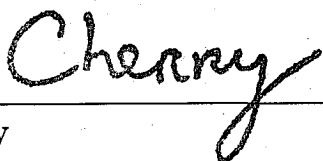
(2004); NRAP 21(c) (providing that a petition for an extraordinary writ other than prohibition or mandamus generally shall be sought in the same manner as a petition for a writ of prohibition or mandamus).

Having reviewed the petition and its supporting documentation, we conclude that our intervention by way of extraordinary writ relief is not warranted as petitioners have an adequate legal remedy available in the form of an appeal from the district court order denying their petition for a writ of prohibition or mandamus. *See* NRS 34.020(2); *Ashokan v. State, Dep't. of Ins.*, 109 Nev. 662, 665-66, 856 P.2d 244, 246 (1993) (explaining that this court has jurisdiction to consider an appeal from a district court order denying a petition for a writ of prohibition or mandamus). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

¹In light of this order, we deny petitioner's August 14, 2013, emergency motion for a stay as moot.

cc: Hon. James Todd Russell, District Judge
Tory M. Pankopf
Pite Duncan, LLP
Carson City Clerk