

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICOLLE ALCAZAR,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUG SMITH, DISTRICT JUDGE,

Respondents,

and

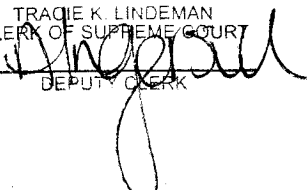
ADRIAN SEDILLO,

Real Party in Interest.

No. 64108

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF CERTIORARI OR PROHIBITION*

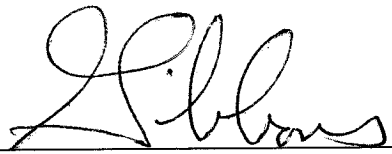
This is an original petition for a writ of certiorari or prohibition challenging a district court order denying a motion to dismiss and resolving the issues presented in the underlying complaint.

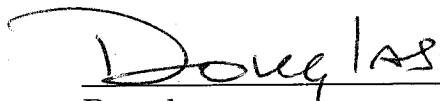
A writ of certiorari is available to correct a lower tribunal's judicial action if that tribunal exceeded its jurisdiction. NRS 34.020; *Dangberg Holdings Nev., LLC v. Douglas Cnty. and its Bd. of Cnty. Comm'rs*, 115 Nev. 129, 137-38, 978 P.2d 311, 316 (1999). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.020(2); NRS 34.330. An appeal is typically an adequate legal remedy precluding writ relief. See NRS 34.020(2); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d

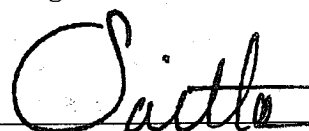
840, 841 (2004). Whether a petition for a writ of certiorari or prohibition will be considered is within this court's discretion. *Dangberg Holdings*, 115 Nev. at 138, 978 P.2d at 316; *Smith*, 107 Nev. at 677, 818 P.2d at 851.

Having reviewed the petition and its supporting documentation, we conclude that our intervention by way of extraordinary writ relief is not warranted as petitioner has a plain, speedy, and adequate remedy available in the form of an appeal. See NRS 34.020(2); NRS 34.330; *Pan*, 120 Nev. at 224, 88 P.3d at 841 (noting that an appeal is generally an adequate and speedy remedy precluding writ relief); NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Douglas Smith, District Judge
The Law Office of Dan M. Winder, P.C.
Roberts Stoffel Family Law Group
Eighth District Court Clerk