

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESIREE LUCIDO,  
Petitioner,  
vs.  
BRETT BLAVA,  
Respondent.

No. 64332

FILED

DEC 17 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION OR MANDAMUS**

This is a proper person petition for a writ of prohibition or mandamus seeking an order directing the district court to randomly reassign a child custody action.

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). 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). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *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 extraordinary writ relief is not warranted. See NRS 34.160; NRS 34.320; *Pan*, 120 Nev. at 228, 88 P.3d at 844; *see also* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.  
Pickering

Hardesty, J.  
Hardesty

Cherry, J.  
Cherry

cc: Desiree Lucido  
Kristina C. Kirigin  
Eighth District Court Clerk