

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMIE PERKINS,
Petitioner,

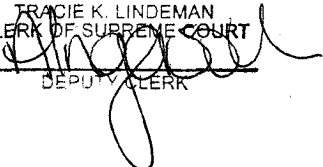
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VINCENT OCHOA, DISTRICT JUDGE,
Respondents,
and
KEVIN SORENSON,
Real Party in Interest.

No. 64972

FILED

FEB 20 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION*


This is an original petition for a writ of mandamus or prohibition seeking an order directing the district court to dismiss a custody matter for lack of subject matter jurisdiction.

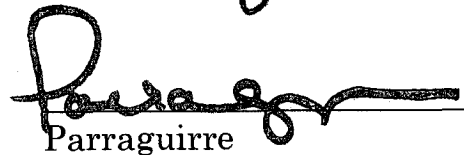
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 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

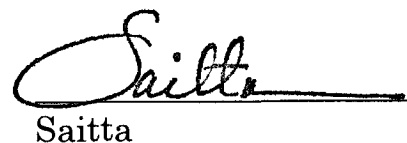
demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and the appendix, we conclude that our intervention by extraordinary writ relief is not warranted. See NRS 34.160; NRS 34.320; *Smith*, 107 Nev. at 677, 818 P.2d at 851; see also NRAP 21(b)(1). While the district court denied petitioner's motion to dismiss on jurisdictional grounds, the court stated it has yet to determine whether the Nevada court is an inconvenient forum and whether a court of another state would be a more appropriate forum to decide the custody issue under NRS 125A.365. Under these circumstances, we conclude that extraordinary relief is not warranted at this time. Accordingly, we

ORDER the petition DENIED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Vincent Ochoa, District Judge
Barnes Law Group
Walsh & Friedman, Ltd.
Eighth District Court Clerk