

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD P. OPPERMAN,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JENNIFER ELLIOTT, DISTRICT  
JUDGE,

Respondents,

and

JOANN BRUNO,

Real Party in Interest.

No. 65961

**FILED**

SEP 16 2014

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This is an original proper person petition for a writ of mandamus challenging a district court child custody proceeding.

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. NRS 34.160; *Int'l Game Tech. Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Generally, a writ of mandamus is only available when the petitioner has no plain, speedy, and adequate remedy at law. NRS 34.170. It is within this court's sole discretion to determine if a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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 petitioner has not demonstrated that our intervention by way of extraordinary relief

is warranted. *Id.* Petitioner failed to attach any documents in support of his petition. *See* NRAP 21(a)(4). Nevertheless, petitioner asserts that he has filed a motion to modify custody in the district court, which is still pending, and that a temporary custody order has been entered. While petitioner raises concerns with certain elements of the custody proceeding in the district court, because he may challenge those elements on appeal from an order finally resolving the custody motion, we conclude that petitioner has a plain, speedy, and adequate remedy in the form of an appeal and writ relief is unwarranted. NRS 34.170; *Smith*, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

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<sup>1</sup>While it appears that petitioner failed to serve his petition as no certificate of service was filed with the petition, because we determine that denial of the petition is appropriate, no further action is required in this regard.

We direct the clerk of this court to file the proper person document provisionally received in this court on August 11, 2014, and in light of this order we conclude no action is necessary in regard to this document.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Edward P. Opperman  
Eighth District Court Clerk