

IN THE SUPREME COURT OF THE STATE OF NEVADA

NIKCI BOYD,
Petitioner,
vs.
LAS VEGAS METROPOLITAN POLICE
DETENTION CENTER,
Respondent.

No. 66158

FILED

NOV 18 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

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

This is an original petition for a writ of mandamus or prohibition¹ regarding petitioner's treatment in the Las Vegas Metropolitan Police Detention Center.

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. 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. NRS 34.320. This court has the discretion to determine whether a writ petition will be considered, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted.

¹It is unclear from the petition which type of relief petitioner seeks, so we will address both in our order.

Pan v. Eighth Judicial Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. The right to an appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition,² we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Nikci Boyd

²Petitioner did not file an appendix in support of her petition. *See* NRAP 21(a)(4). Additionally, where, as here, resolving the issues presented by a writ petition requires the court to make factual determinations, the petition should be presented to the district court in the first instance. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).