

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAHMUD A. SHEIKH, M.D., AND  
JOHN REYES, PA-C,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES M. BIXLER, DISTRICT JUDGE,

Respondents,

and

STANLEY HENRY; AND URSULA  
HENRY,

Real Parties in Interest.

No. 66506

**FILED**

NOV 18 2014

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

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

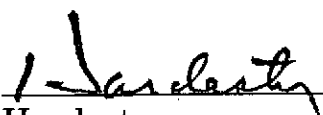
This original petition for a writ of mandamus, or alternatively, prohibition, challenges district court orders denying motions to dismiss in a medical malpractice action.

A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires 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). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a petition for writ relief will be considered is within this court's sole discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 853 (1991), and it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev.

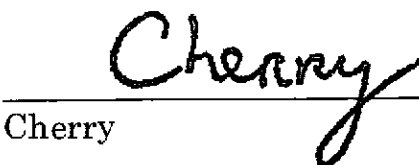
222, 228, 88 P.3d 840, 844 (2004). Moreover, writ relief is typically available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition and joinder thereto, we are not persuaded that our intervention is warranted at this time. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. James M. Bixler, District Judge  
Hutchison & Steffen, LLC  
Maddox, Isaacson & Cisneros, LLP  
Carroll, Kelly, Trotter, Franzen, & McKenna  
Eighth District Court Clerk