

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN W. CARUSO,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CYNTHIA DIANNE STEEL, DISTRICT  
JUDGE,  
Respondents,  
and  
AMANDA MAIZE,  
Real Party in Interest.

No. 66702

**FILED**

NOV 13 2014

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

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*

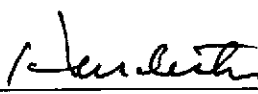
This is an original petition for a writ of mandamus or, in the alternative, prohibition challenging a district court order, entered on remand from this court, establishing child custody.

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. 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. Petitions for extraordinary relief will generally be considered only

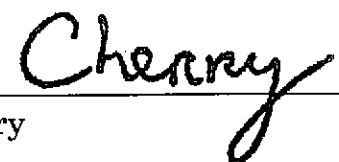
when there is no plain, speedy, and adequate remedy at law. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having considered petitioner's arguments and the documents before this court, we conclude that extraordinary writ relief is not warranted. NRS 34.160; NRS 34.320; *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 21(b). In particular, petitioner is challenging an order, entered on remand from this court, in which the district court finally established child custody. Because petitioner has a plain, speedy, and adequate legal remedy in the form of an appeal from that order, writ relief is not warranted. *Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that an appeal is an adequate legal remedy precluding writ relief); *see also* NRAP 3A(b)(7) (providing that an order finally establishing or modifying child custody is appealable). Accordingly, we

ORDER the petition DENIED.

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

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

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

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division  
F. Peter James  
Sterling Law, LLC  
Eighth District Court Clerk