

IN THE SUPREME COURT OF THE STATE OF NEVADA

FAISSAL L. AHMEAD,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUGLAS SMITH, DISTRICT JUDGE,  
Respondents,  
and  
CORPOLO AVENUE TRUST; TEAL  
PETALS STREET TRUST; RESOURCES  
GROUP, LLC; AND IYAD HADDAD, AN  
INDIVIDUAL,  
Real Parties in Interest.

No. 67529

**FILED**

MAR 25 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *AW*  
DEPUTY CLERK

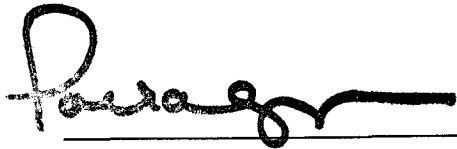
*ORDER GRANTING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus or prohibition challenges a March 12, 2015, district court order directing petitioner to vacate the subject property. The March 12 order contradicts a previous February 11 order in which petitioner was afforded 30 days to tender past-due rent to the district court clerk in order to avoid the issuance of a temporary writ of restitution. On March 20, petitioner provided documentation to this court demonstrating that he has complied with the terms of the February 11 order by tendering the past-due rent. Nonetheless, real parties in interest contend that the March 12 order should be enforced and that petitioner should be evicted.

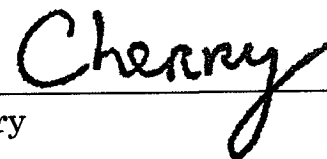
Having considered the parties' arguments, we conclude that it would be an arbitrary or capricious exercise of the district court's discretion if it condoned the course of action proposed by real parties in interest. *See Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124

Nev. 193, 197, 179 P.3d 556, 558 (2008) (“A writ of mandamus is available to . . . control an arbitrary or capricious exercise of discretion.”). Thus, while this writ petition would otherwise appear moot in light of petitioner’s compliance with the February 11 order, given real parties in interest’s continuing attempt to seek enforcement of the March 12 order, we conclude that our extraordinary intervention is warranted so as to vacate the March 12 order.<sup>1</sup> *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS directing the district court in Case No. A674077 to vacate its March 12, 2015, order and its accompanying March 11, 2015, order granting a temporary writ of restitution.<sup>2</sup>

  
\_\_\_\_\_, J.  
Parraguirre

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

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

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<sup>1</sup>We note that the February 11 district court order imposes continuing obligations on petitioner and that this order granting writ relief should not be construed as relieving petitioner of those obligations. Nor should this order be construed as precluding the district court from revisiting the February 11 order’s terms if presented with a justifiable basis for doing so.

<sup>2</sup>The temporary stay imposed by our March 9, 2015, order is vacated.

cc: Hon. Douglas Smith, District Judge  
Patricia A. Marr  
Law Offices of Michael F. Bohn, Ltd.  
Eighth District Court Clerk