

IN THE SUPREME COURT OF THE STATE OF NEVADA

GABRIEL GARCIA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; AND JOYCE
KING,
Real Parties in Interest.

No. 69772

FILED

MAR 18 2016

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

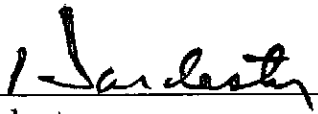
ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order dismissing, for failure to state a viable claim, the portion of a complaint seeking to renew a judgment against real party in interest Joyce King. Having considered the petition, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted.

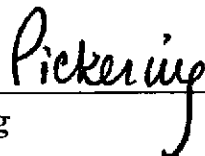
A writ of mandamus is available to compel legally-required action by an inferior state tribunal, but the writ generally will not issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.160; NRS 34.170; *Mineral Cty. v. State, Dep't of Conservation & Nat. Res.*, 117 Nev. 235, 242-43, 20 P.3d 800, 805 (2001). Here, petitioner has indicated that, after King was dismissed, the underlying case was removed to the federal district court. As a result, the respondent district court lacks jurisdiction, and petitioner's remedy properly lies with the

federal court. 28 U.S.C. §§ 1446(d) and 1450 (2012); *Ackerman v. ExxonMobil Corp.*, 734 F.3d 237, 249 (4th Cir. 2013); *Laguna Vill., Inc. v. Laborers' Int'l Union of N. Am.*, 672 P.2d 882, 885 (Cal. 1983). Accordingly, we conclude that our extraordinary intervention is not warranted or appropriate, *Mineral Cty.*, 117 Nev. 235, 20 P.3d 800 (denying a writ petition out of deference to the proper, federal court forum), and we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Pickering

cc: Hon. Elissa F. Cadish, District Judge
Christensen Law Offices, LLC
Harper Law Group
Eighth District Court Clerk