

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLIEDBARTON SECURITY  
SERVICES, LLC,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAVID M. JONES, DISTRICT JUDGE,  
Respondents,  
and  
SHAE RATHBUN,  
Real Party in Interest.

No. 72343

**FILED**

MAR 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF PROHIBITION*

This is an original petition for a writ of prohibition challenging the district court's decision to voluntarily recuse itself from the underlying action.


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). In particular, a writ of prohibition is an appropriate avenue to challenge a district court's voluntary recusal from a case. See *Ham v. Eighth Judicial Dist. Court*, 93 Nev. 409, 412, 566 P.2d 420, 422 (1977). Nevertheless, it is petitioner's burden to demonstrate that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and appendix, we conclude that petitioner has not demonstrated that our intervention by way of

extraordinary writ relief is warranted in this matter. *See Smith*, 107 Nev. at 677, 818 P.2d at 851 (explaining that whether to consider a writ petition is a matter within this court's discretion). Unlike in *Ham*, the district court's decision to voluntarily recuse itself from the underlying action was based on "reasons which reasonably appear to be judicially warranted." 93 Nev. at 415, 566 P.2d at 424. Moreover, we have reviewed the other authority presented by petitioner and conclude that it does not demonstrate that voluntary recusal was prohibited in this matter. Accordingly, we deny the petition. *See* NRAP 21(b)(1).

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. David M. Jones, District Judge  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Maier Gutierrez Ayon, PLLC  
Eighth District Court Clerk