

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARJORIE PRESLEY; ISIS MAYO;
AND ETHAN MAYO,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

M. M., A MINOR,
Real Party in Interest.

No. 72719

FILED

APR 04 2017

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

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court decision setting an evidentiary hearing and granting temporary visitation in a guardianship matter.

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 a manifest abuse of discretion. See NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). We 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. Petitions for mandamus and prohibition relief constitute extraordinary remedies, and whether such petitions will be considered is solely within our discretion. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Moreover, petitioners have the burden of demonstrating that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


In this case, petitioners challenge the district court's alleged decision to set an evidentiary hearing on the underlying guardianship petitions and its award of temporary visitation with the minor child to the maternal grandmother. But petitioners have not provided this court with minutes or a district court order memorializing this ruling or copies of any petitions, objections, or motion practice pertinent to the issues presented in this matter. Indeed, petitioners have failed to provide any documents to support their request for extraordinary relief.


Under these circumstances, we conclude petitioners have failed to meet their burden of demonstrating that our extraordinary intervention is necessary. *See* NRAP 21(a)(4) (providing that a petition shall be accompanied by an appendix containing copies of "any order or opinion, parts of the record before the respondent judge, . . . or any other original document that may be essential to understand[ing] the matters set forth in the petition"); *Pan*, 120 Nev. at 228, 88 P.3d at 844 (noting that it is petitioners' burden to provide the documents necessary to

demonstrate that extraordinary relief is warranted). Accordingly, we deny the petition. NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Barnes Law Group
McFarling Law Group
Roberts Stoffel Family Law Group
Eighth District Court Clerk