

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MONIQUE VELASCO A/K/A MONIQUE
EPPERSON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MATHEW HARTER, DISTRICT JUDGE,
Respondents,
and
ANTONIO VELASCO,
Real Party in Interest.

No. 72668

FILED

APR 28 2017

ELIZABETH A. FROWN
CLERK OF SUPERIOR COURT
A. Wilcox
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION*

This is an original petition for a writ of mandamus or, alternatively, prohibition, challenging a temporary child custody order and the denial of a motion for judicial disqualification.


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. *See* 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). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


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Generally, an appeal is an adequate legal remedy precluding writ relief. *See Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558.

Having considered the petition and supporting documents, we conclude that petitioner has failed to meet her burden of demonstrating that extraordinary writ relief is warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition. *See NRAP 21(b)(1); Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Mathew Harter, District Judge
Monique Velasco
The Law Offices of Mandy J. McKellar
Eighth District Court Clerk