

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. 73049

FILED

JUN 20 2017

TABETH A. GROWN
CLERK OF DISTRICT COURT
5
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original petition for a writ of mandamus or prohibition challenges a district court order setting an evidentiary hearing and trial on competing guardianship petitions filed by the maternal and paternal grandmothers and giving the maternal grandmother temporary visitation with the child.


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 constitute extraordinary

remedies, and whether a petition for extraordinary relief 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). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted, and we therefore deny the petition. *See Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* 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