IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN BADEA,
Appellant,
vs.
DAN SCHWARTZ, NEVADA
TREASURER UNCLAIMED PROPERTY
DIVISION,
Respondent.[1]

No. 76519-COA

FILED

APR 26 2019

ORDER OF AFFIRMANCE

John Badea appeals from a district court order denying a petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Badea filed a petition for a writ of mandamus seeking an order commanding respondent, Dan Schwartz, Nevada Treasurer, Unclaimed Property Division, to pay him funds held on behalf of an individual against whom Badea had obtained a default judgment. In his answer to the petition, respondent asserted, in relevant part, that Badea was not entitled to a writ because the processes set forth in NRS 120A.640 and NRS 120A.650 provided an adequate legal remedy through which he could obtain the funds if he was entitled to them. After a hearing, the district court denied the petition, finding, in relevant part, that Badea had an adequate remedy at law. This appeal followed.

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[1]We direct the clerk of the court to amend the caption for this case to conform to the caption on this order.

19-18410

A district court order resolving a petition for writ of mandamus is reviewed for an abuse of discretion. *See City of Sparks v. Reno Newspapers, Inc.*, 133 Nev. 398, 399, 399 P.3d 352, 354 (2017). A writ of mandamus will not issue if the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). As NRS 120A.640 and NRS 120A.650 provided Badea an adequate remedy at law, the district court did not abuse its discretion in denying his petition and we therefore,

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Michelle Leavitt, District Judge
        John Badea
        Attorney General/Carson City
        Eighth District Court Clerk