

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHAN GRACE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHAEL VILLANI, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 76947

FILED

JUL 24 2019

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

ORDER DENYING PETITION

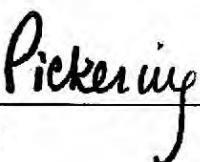
This original petition for a writ of habeas corpus or mandamus challenges an order of the district court denying a petition for writ of habeas corpus or mandamus that takes issue with the constitutionality of a pretrial confinement order. We conclude that this court's intervention by way of extraordinary relief is not warranted. Petitioner acknowledges that he unsuccessfully challenged the increase in bail in a petition for a writ of mandamus filed in the district court, and the documents submitted to this court indicate that he did not appeal from any adverse decision. A writ of mandamus will issue only "where there is not a plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170. An appeal is generally an adequate legal remedy that precludes writ relief. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 223, 88 P.3d 840, 841 (2004). An order denying a petition for a writ of mandamus is appealable. NRS 2.090(2); NRAP 3A(b)(1); *Ashokan v. State, Dep't of Ins.*, 109 Nev. 662, 665, 856 P.2d 244,

246 (1993). Because petitioner has not demonstrated why an appeal is an inadequate remedy in this instance, we deny the petition.


We note that this petition is one of three pending petitions raising similar issues. *See Valdez-Jimenez v. Eighth Judicial Dist. Court*, Docket No. 76417; *Frye v. Eighth Judicial Dist. Court*, Docket No. 76845. Because our exercise of extraordinary relief is discretionary, *see Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and arguably viable issues remain in the other two pending petitions, we deny this petition now to avoid having it linger on this court's docket.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The Honorable Elissa F. Cadish, Justice, is disqualified from participating in this matter.