

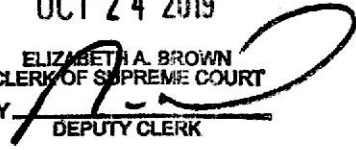
IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH FELDER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
WILLIAM D. KEPHART, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 79356

FILED

OCT 24 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's emergency petition for a writ of mandamus or prohibition. We conclude that extraordinary relief is not warranted because petitioner had an adequate legal remedy—he could have appealed from the district court order denying his petition for a writ of mandamus or prohibition. See NRS 34.170; NRS 34.330. Further, even assuming that an appeal was not a speedy remedy in this case, we conclude that the district court did not arbitrarily or capriciously exercise its discretion in denying the petition filed below.¹ See NRS 34.160; NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that a writ of prohibition is a remedy to restrain a judge from exercising a judicial function in excess of its

¹We deny the motion for an extension of time to file an amicus brief. In light of our order, we direct the Las Vegas Justice Court to disregard the order to send the original cd.

jurisdiction and that issuance of a writ of prohibition or mandamus is purely discretionary); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (recognizing that a writ of mandamus is available to control an arbitrary or capricious exercise of discretion); *see also State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining an arbitrary or capricious exercise of discretion). Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Gibbons


_____, J.
Parraguirre


_____, Sr. J.
Douglas

cc: Hon. William D. Kephart, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.