

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS LORENZANA; JASIAN  
GONZALEZ, INC., D/B/A DON  
TORTACO MEXICAN GRILL #1 AND  
#19; OSCAR CASTENADA; AND FCO  
ENTERPRISES, INC., D/B/A DON  
TORTACO MEXICAN GRILL #13,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,  
Respondents,

and

J. APOLINAR IBARRA; DON TORTACO  
CORPORATION; AND DON TORTACO  
FRANCHISING INC.,  
Real Parties in Interest.

No. 79919

**FILED**

NOV 04 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
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 granting a motion to evict petitioners from Don Tortaco Mexican Grill units 1, 13, and 19.

The writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion, while its counterpart, the writ of prohibition, is available to curb an act outside of or in excess of the district court's jurisdiction. NRS 34.160; NRS 34.320; *Segovia v. Eighth Judicial Dist. Court*, 133 Nev. 910, 911-12, 407 P.3d 783, 785 (2017). Having reviewed the petition and supporting documents under these standards, we conclude that

our extraordinary and discretionary intervention is not warranted. See NRAP 21(b); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (providing that petitioners bear the burden of demonstrating that extraordinary relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (explaining that it is within this court's sole discretion to determine if a writ petition will be considered). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

, J.  
Hardesty

, J.  
Stiglich

, J.  
Silver

cc: Hon. Mark R. Denton, District Judge  
Sgro & Roger  
Howard & Howard Attorneys PLLC  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioners' emergency motion for stay pending our consideration of this petition is denied as moot. We also deny real parties in interest's request that we impose sanctions on petitioners for filing this petition and motion.