

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PATSY A. GARCIA,
Petitioner,

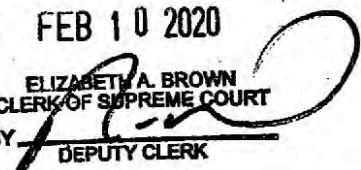
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MATHEW HARTER, DISTRICT JUDGE,
Respondents,
and
GEORGE C. GARCIA,
Real Party in Interest.

No. 80542-COA

FILED

FEB 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

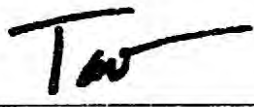
This original petition for a writ of mandamus or prohibition challenges an oral district court ruling denying petitioner's motion to enjoin real party in interest from retiring before the divorce proceedings have concluded.


A writ of mandamus may issue to compel the performance of a legally required act or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04 637 P.2d 534, 536 (1981). Its counterpart, the writ of prohibition, may issue to restrain the district court from acting in excess of its jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). As both writs are extraordinary remedies, this court has complete discretion in deciding whether to entertain a petition seeking such relief. *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008).

Having considered the petition and supporting documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted). We note that the district court has available several legal options to address the retirement and its impact on the value of the marital community, if warranted. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mathew Harter, District Judge
Pecos Law Group
Nevada Family Law Group
Eighth District Court Clerk