

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO LAGUNAS,
Petitioner,

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,

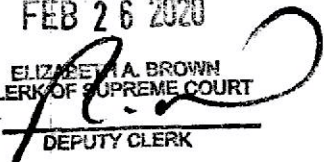
and

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

No. 80663

FILED

FEB 26 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a January 30, 2020, district court order granting a motion to evict petitioner from Don Tortaco Mexican Grill unit 5.

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. NRS 34.160; *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 petitioner bears 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.¹



Gibbons J.



Hardesty J.



Cadish J.

cc: Hon. Mark R. Denton, District Judge
Sgro & Roger
Howard & Howard Attorneys PLLC
Gordon & Rees Scully Mansukhani/New Jersey
Gordon & Rees Scully Mansukhani/Philadelphia
Eighth District Court Clerk

¹In light of this order, petitioner's emergency motion to stay the district court's order pending our consideration of this petition is denied as moot. We also deny real parties in interest's request that we impose sanctions on petitioner for filing this petition and motion.