

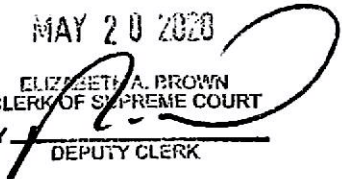
IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIELLE TYRA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
JASON PAUL VANBUREN,
Real Party in Interest.

No. 80962

FILED

MAY 20 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF HABEAS CORPUS

In this original pro se petition for a writ of habeas corpus, petitioner seeks the immediate return of her son, sole custody, the appointment of counsel, and the disqualification of the district court judge and of real party in interest's counsel. She also appears to request that criminal charges be filed against both real party in interest and the judge.

As an initial matter, we note that a writ of habeas corpus is available as a remedy only to one who is held in actual custody or incarcerated pursuant to a criminal conviction. Nev. Const. art. 6, § 6(1); NRS 34.724(1); *Jackson v. State*, 115 Nev. 21, 973 P.2d 241 (1999). It has no application to a party who is dissatisfied with the district court's rulings in a family law matter. Accordingly, a writ of habeas corpus is not available to petitioner.

To the extent that we might construe the instant petition as one for a writ of mandamus, we note that it is petitioner's burden to demonstrate that such extraordinary relief is warranted, *Pan v. Eighth*

Judicial Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004), and such a writ will not issue when petitioner has a “plain, speedy, and adequate remedy in the ordinary course of law.” *Gumm v. State, Dep’t of Educ.*, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005). Petitioner has not established that her appeal from the district court’s custodial order did not afford an adequate legal remedy. NRS 34.170. For these reasons, we

ORDER the petition DENIED.¹

Pickering, C.J.
Pickering

J. Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

cc: Danielle Tyra
Jason Paul Vanburen
Eighth District Court Clerk

¹In light of our decision, we further deny petitioner’s motions for the return of the minor child and for sole custody.