

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHNNY EDWARD MCMAHON,  
Petitioner,  
vs.  
JENNIFER MCCAIN DUNBAR; AND  
THE STATE OF NEVADA,  
Respondents.

No. 81766-COA

**FILED**

**OCT 16 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS*

This is an original petition for a writ of mandamus seeking, among other things, an order directing respondents to notarize a power of attorney form.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). But writ relief is typically not available when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Moreover, whether such a petition will be considered rests within our sound discretion. See *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Here, a review of this petition demonstrates that petitioner has a speedy and adequate remedy available in that he can seek relief in the district court and, if aggrieved, can then appeal any adverse judgment to the appellate courts. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (applying this rule to a case where there were disputed factual issues relevant to demonstrating the propriety of writ relief). Accordingly, we decline to consider this petition, and we therefore deny it. *See Smith*, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Johnny Edward McMahon  
Attorney General/Carson City