

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KORI LOVETT CAGE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE RENA
G. HUGHES, DISTRICT JUDGE,
Respondents,
and
MALIKA COPPEDGE,
Real Party in Interest.

No. 81968-COA

FILED

DEC 11 2020

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

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges district court orders entered in a child custody matter.

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, petitioner seeks to challenge the district court's order modifying child custody and a prior temporary custody change order. But the district court's order modifying the parties' custody arrangement was an appealable determination, *see* NRAP 3A(b)(7) (providing for appeals from orders that modify child custody in proceedings that do not arise in juvenile court), and the interlocutory temporary custody order was reviewable in the context of the appeal from the final custody order. *See Consol. Generator–Nev. v. Cummins Engine*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that interlocutory orders, although not independently appealable, may be reviewed in the context of an appeal from a final judgment). Thus, petitioner had a plain, speedy, and adequate remedy available that precluded writ relief. *See Pan*, 120 Nev. at 224, 88 P.3d at 841 (providing that an appeal is generally a plain, speedy, and adequate remedy that precludes writ relief).

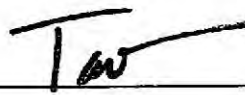
And petitioner did, in fact, avail himself of an appeal challenging both the final and temporary modification orders, and this court rejected his arguments and affirmed the district court's decision to modify custody. *See Cage v. Coppedge*, Docket No. 76006-COA (Order Affirming in Part, Reversing in Part and Remanding, November 15, 2019). Indeed, petitioner acknowledges as much, but nonetheless asserts that review by mandamus petition is proper as affirmance was based on "unrelated reasons" to the arguments he presents in this matter. However, even if we could consider petitioner's challenge to the district court's custody orders by way of this petition, this court's prior decision that the district court's modification of child custody was proper is the law of the case for this matter. *See Dictor v. Creative Mgmt. Servs., LLC*, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010) ("The law-of-the-case doctrine provides that when an appellate court

decides a principle or rule of law, that decision governs the same issues in subsequent proceedings in that case.”). And to the extent petitioner presents new arguments not raised in the prior appeal concerning these custody determinations, he should have raised those issues in his prior appeal. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (noting that issues not raised on appeal are deemed waived).

Accordingly, for the reasons outlined above, we deny this petition. *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: Eighth Judicial District Court, Chief Judge
Hon. Rena G. Hughes, District Judge, Family Court Division
Kori Lovett Cage
Ghandi Deeter Blackham
Eighth District Court Clerk