

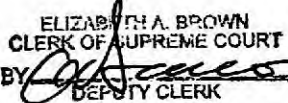
IN THE SUPREME COURT OF THE STATE OF NEVADA

AUSTIN HUMPHRIES,
Petitioner,
vs.
THE HONORABLE TARA D. CLARK
NEWBERRY, DISTRICT JUDGE; AND
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 82620

FILED

MAR 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

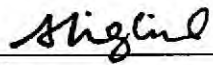
ORDER DENYING PETITION

This petition for a writ of mandamus, or prohibition, seeks an order directing the district court to immediately vacate petitioner's temporary revocation of probation and to reinstate him on probation. We decline to exercise our discretion to entertain this petition because petitioner has an adequate legal remedy by way of an appeal from the order revoking probation. *Walker v. Second Judicial Dist. Court*, 136 Nev., Adv. Op. 80, 476 P.3d 1194, 1198 (2020) (recognizing that the court's concern is with the existence of a remedy not whether the remedy would be unproductive in a particular case, and explaining "[a] remedy does not fail to be speedy and adequate, because, by pursuing it through the ordinary course of law, more time probably would be consumed than in a mandamus proceeding" (quoting *Washoe County v. City of Reno*, 77 Nev. 152, 156, 360 P.2d 602, 603 (1961))); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) ("[T]he right to appeal is generally an adequate legal remedy that precludes writ relief."); see also *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that

the issuance of a writ of mandamus or prohibition is discretionary). Although petitioner suggests that an appeal would take too long and his temporary revocation would expire before an appeal could be briefed and resolved, this court's rules allow an appeal to be expedited on the court's own or a party's motion. NRAP 2; *see also* NRAP 31(a). Accordingly, we

ORDER the petition DENIED.

 _____, J.
Parraguirre

 _____, J.
Stiglich

 _____, J.
Silver

cc: Hon. Tara D. Clark Newberry, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk