

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHANNA KRISTINE BAKER,  
Petitioner,

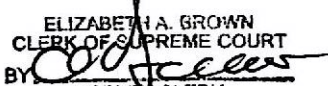
vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAWN THRONE, DISTRICT JUDGE,  
Respondents,  
and  
BOBBY LEE BAKER,  
Real Party in Interest.

No. 83374-COA

**FILED**

SEP 29 2021

ELIZABETH A. GROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion for a change of temporary custody. Petitioner has also filed an amended emergency motion pursuant to NRAP 27(e) in which she requests resolution of her petition by October 1, 2021.


Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that the decision to entertain a petition for such relief is purely discretionary). Writ relief is typically not available when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474, 168 P.3d 731, 736 (2007); *Zarnarripa v. First Judicial Dist. Court*, 103


21-28028

Nev. 638, 640, 747 P.2d 1386, 1387 (1987). The right to appeal is usually an adequate remedy precluding extraordinary relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841. Petitioner has failed to demonstrate that an appeal from a final custody determination by the district court after the completion of the trial scheduled for October 22, 2021, in approximately three weeks, would constitute an inadequate remedy at law.<sup>1</sup> Accordingly, without deciding the merits of any claims raised,<sup>2</sup> we

ORDER the petition DENIED.

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

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

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

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<sup>1</sup>We acknowledge petitioner's concern for the children's well-being, but here, in the absence of a demonstrated clear and immediate threat to the safety of the children, we defer to the district court's factual finding that it is appropriate for the temporary custody order to remain in place until permanent custody has been determined and decline to intervene.

<sup>2</sup>While we express no opinion as to the merits of the claims in the petition, we note that petitioner's arguments, including those concerning the alleged bias of the district court judge, must be timely raised below to be preserved for appeal.

cc: Hon. Dawn Throne, District Judge, Family Court Division  
Robert W. Lueck, Ltd.  
Jessica M. Friedman  
Eighth District Court Clerk