

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOSES SEGAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,
and
LEONOR MIDVIDY SEGAL,
Real Party in Interest.

No. 37731

FILED

MAR 28 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT
OF MANDAMUS OR PROHIBITION

This original petition for writ of mandamus or prohibition challenges orders of the district court holding petitioner Moses Segal in contempt.

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,¹ or to control an arbitrary or capricious exercise of discretion.² This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court.³ However, neither a writ

¹See NRS 34.160.

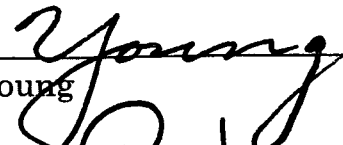
²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

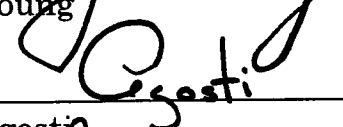
³See NRS 34.320.

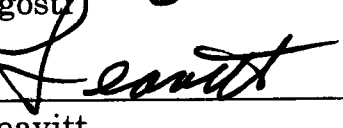
of mandamus nor a writ of prohibition will issue if petitioner has a plain, speedy, and adequate remedy in the ordinary course of law.⁴ Furthermore, both mandamus and prohibition are extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered.⁵

We have considered the petition and the answer, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we

ORDER the petition DENIED.⁶


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Mark R. Denton, District Judge
Dickerson, Dickerson, Consul & Pocker
Jimmerson Hansen
Clark County Clerk

⁴See NRS 34.170 (mandamus); NRS 34.330 (prohibition).

⁵See, e.g., Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

⁶See NRAP 21(b); see also Guerin v. Guerin, 116 Nev. 210, 993 P.2d 1256 (2000) (discussing the fugitive disentitlement doctrine), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000); Smith, 113 Nev. 1343, 950 P.2d 280.