

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEON JUAN AARON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE BITA  
YEAGER, DISTRICT JUDGE,

Respondents,

and

AL-AMIN MUHAMMAD,  
Real Party in Interest.

No. 82730-COA

**FILED**

DEC 23 2021

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

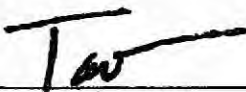
*ORDER DENYING PETITION*

This is an original petition for a writ of mandamus challenging a district court order denying petitioner's motion to dismiss on the basis that real party in interest failed to effectuate service within 120 days.

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). This court has discretion whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736 (2007). 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).

Having considered the petition, answer, and reply—along with the accompanying documents filed in this matter—we are not persuaded that this court’s intervention by way of extraordinary relief is warranted. *Id.* Accordingly, we ORDER the petition DENIED.

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

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

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

cc: Hon. Bita Yeager, District Judge  
Resnick & Louis, P.C./Las Vegas  
Brock K. Ohlson PLLC  
Eighth District Court Clerk