

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOMINIC TRAYVEN DE LA CRUZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83192-COA

FILED

FEB 18 2022

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

ORDER OF AFFIRMANCE

Dominic Trayven De La Cruz appeals from a district court order denying a petition for a writ of prohibition. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

De La Cruz, who is incarcerated, filed a petition for a writ of prohibition in the district court, arguing that the Nevada Department of Corrections (NDOC) is acting in excess of its jurisdiction by removing funds from his inmate account to satisfy the award of restitution in his underlying judgment of conviction. The district court denied the petition, reasoning that a writ of prohibition is not the proper remedy for De La Cruz's challenge. This appeal followed.

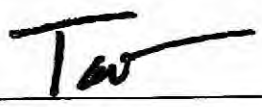
A writ of prohibition may issue to arrest the proceedings of a "tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person." NRS 34.320. A writ of prohibition will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.330. "Petitioners carry the burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). "We

generally review a district court's grant or denial of writ relief for an abuse of discretion." *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

We agree with the district court's conclusion that a writ of prohibition is not the proper remedy for the underlying challenge, as De La Cruz has a plain, speedy, and adequate remedy in the ordinary course of law due to the availability of administrative remedies through NDOC or a civil action. See NRS 34.330. Although De La Cruz vaguely argued to the district court that a writ of prohibition is the only remedy available to him, he failed to explain why he is supposedly unable to avail himself of the aforementioned alternatives, and he therefore failed to meet his burden to demonstrate that extraordinary relief was warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we discern no abuse of discretion in the district court's decision, see *Koller*, 122 Nev. at 226, 130 P.3d at 655, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Dominic Trayven De La Cruz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk