

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARREN HEYMAN,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAVID M. JONES, DISTRICT JUDGE,  
Respondents,

and

THE STATE OF NEVADA BOARD OF  
REGENTS OF THE NEVADA SYSTEM  
OF HIGHER EDUCATION ON BEHALF  
OF THE UNIVERSITY OF NEVADA,  
LAS VEGAS; NEAL SMATRESK;  
DONALD SNYDER; STOWE  
SHOEMAKER; RHONDA  
MONTGOMERY; CURTIS LOVE;  
SARAH TANFORD; PHILLIP BURNS;  
KRISTIN MALEK; LISA CAIN; DEBRA  
PIERUSCHKA; AND ELDA SIDHU,  
Real Parties in Interest.

No. 84740-COA

**FILED**

JUN 02 2022

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

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original petition for a writ of mandamus<sup>1</sup> challenges a district court order denying a motion for a stay, which sought to hold the district court proceedings on remand from federal district court in abeyance pending appeal of the remand order to the United States Court of Appeals for the Ninth Circuit. Petitioner argues that writ relief is warranted

---

<sup>1</sup>Despite entitling his filing as "Petition for Writ of Mandamus or Prohibition," petitioner seeks only mandamus relief therein.

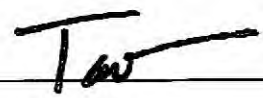
because the district court failed to consider interlocutory orders on appeal in the Ninth Circuit when considering the likelihood of success on the merits, and based on considerations of judicial economy.


“A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see NRS 34.160. A writ is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court’s discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioner bears the burden to show 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 and documents submitted in support thereof, we are not persuaded that our extraordinary intervention is warranted. Petitioner has not demonstrated that the district court failed to perform an act the law requires or arbitrarily or capriciously abused its discretion. *Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

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

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

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

<sup>2</sup>In light of this order, petitioner’s emergency motion for a stay filed on May 20, 2022, is denied as moot.

cc: Hon. David M. Jones, District Judge  
Darren Heyman  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk