

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL PATRICK KEANE,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF WASHOE, AND THE
HONORABLE NORMAN C. ROBISON,
SENIOR JUDGE,

Respondents,

and

MELISSA ARMSTRONG,

Real Party in Interest.

No. 37847

FILED

MAY 16 2001

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

ORDER DENYING PETITION FOR

WRIT OF MANDAMUS AND/OR PROHIBITION

This is an original petition for a writ of mandamus or, in the alternative, prohibition challenging an order of the district court finding petitioner in contempt for violating the terms of a temporary protection order.

A writ of mandamus is available to compel the performance of an act, which 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 A writ of prohibition is the counterpart to a writ of mandamus, which arrests the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of its jurisdiction.³ Further, mandamus and prohibition are extraordinary remedies, and it is

¹NRS 34.160.

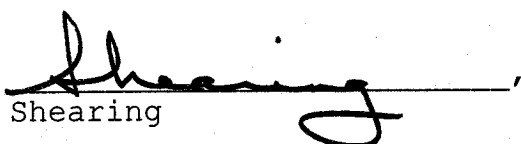
²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

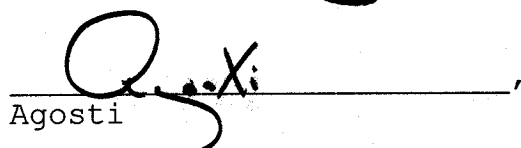
³NRS 34.320.

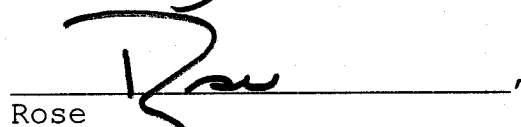
within the discretion of this court to determine if a petition will be considered.⁴

We have reviewed the petition and accompanying documents, and we conclude that our intervention by way of extraordinary relief is not warranted. We therefore deny the petition for a writ of mandamus and the alternative petition for a writ of prohibition. Additionally, we deny as moot petitioners' request for a stay.

It is so ORDERED.


Shearing, J.


Agosti, J.


Rose, J.

cc: Hon. Norman C. Robison, Senior Judge
James Andre Boles
Law Offices of Scott N. Freeman, P.C.
Ohlson & Springgate
Washoe County Clerk

⁴See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).