

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ISAAC ASUSTA,
Appellant,

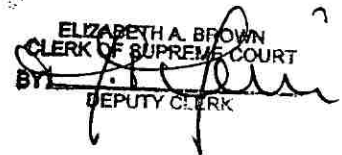
vs.

CHARLES DANIELS, DIRECTOR, THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 84953-COA

FILED

FEB 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Isaac Asusta appeals from an order of the district court dismissing a petition for a writ of prohibition. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Asusta argues the district court erred by dismissing his July 28, 2021, petition. In his petition, Asusta claimed 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. Asusta asserted that his judgment of conviction did not identify any victims and he therefore should not have to pay restitution. Because he believes he should not have to pay restitution, Asusta sought an order prohibiting the director of NDOC from deducting money from his inmate account to pay the restitution obligation.


A writ of prohibition may issue to arrest the proceedings of a lower court exercising its judicial functions when such proceedings are in excess of the jurisdiction of the lower court. NRS 34.320. A writ 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 (2003).

We agree with the district court's conclusion that a writ of prohibition is not the proper remedy for the underlying challenge, as Asusta has failed to demonstrate that he does not have a plain, speedy, and adequate remedy in the ordinary course of law. Asusta therefore failed to meet his burden to demonstrate that extraordinary relief was warranted. Accordingly, we discern no abuse of discretion in the district court's decision, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Steve L. Dobrescu, District Judge
Isaac Asusta
Attorney General/Carson City
White Pine County Clerk