

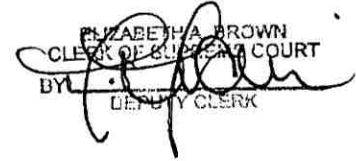
IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS X. KOTAB,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ADRIANA ESCOBAR, DISTRICT  
JUDGE,  
Respondents,  
and  
LAS VEGAS CAMERON APTS LLC  
AND SIRIUS LAS VEGAS, LLC D/B/A  
CAMERON APARTMENTS,  
Real Parties in Interest.

No. 87854

FILED

JAN 10 2024

ELIZABETHA BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF CERTIORARI AND/OR MANDAMUS*

This emergency, original pro se petition for a writ of certiorari and/or mandamus challenges a district court order affirming a justice court summary eviction on appeal. Petitioner also seeks an emergency stay of eviction.

A writ of certiorari is available to correct judicial action made in excess of jurisdiction when “there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.” NRS 34.020(2); *Dangberg Holdings v. Douglas County*, 115 Nev. 129, 137-38, 978 P.2d 311, 316 (1999). As we have previously explained, “if it is determined that the act complained of was within the jurisdiction of the tribunal, our inquiry stops even if the decision or order was incorrect.” *Id.* (quoting *Goicoechea v. District Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980)). A writ of

mandamus, which may compel a legally required act or correct an arbitrary and capricious exercise of discretion, NRS 34.160, is also available only when no adequate and speedy legal remedy exists, NRS 34.170. Whether a petition for writ relief will be considered is within this court's discretion. *Dangberg Holdings*, 115 Nev. at 138, 978 P.2d at 316; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); *see also Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioners bear the burden to demonstrate that writ relief is warranted).

Because a party aggrieved by a justice court decision has a plain, speedy, and adequate legal remedy in the form of an appeal to the district court, *see* Nev. Const. art. 6, § 6; *Waugh v. Casazza*, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969) (recognizing that the district court has final appellate jurisdiction in cases arising in the justice court), this court generally declines to consider writ petitions requesting review of a district court's appellate decision, *see State of Nevada v. District Court*, 116 Nev. 127, 134, 994 P.2d 692, 696 (2000). In that regard, to preserve the finality of the district court's appellate decision, this court typically will not entertain such a petition unless the district court has improperly refused to exercise its jurisdiction or the matter involves an unsettled issue of statewide importance. *Id.* at 134, 994 P.2d at 697.

Here, having considered the petition and supporting documents, including petitioner's argument concerning the justice court's jurisdiction over the summary eviction proceedings, we conclude that petitioner has not shown that deviating from the general rule against reviewing a district court's appellate decision is appropriate. *Dangberg*

*Holdings*, 115 Nev. at 138, 978 P.2d at 316; *State of Nevada*, 116 Nev. at 134, 994 P.2d at 697. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>



\_\_\_\_\_, J.  
Herndon



\_\_\_\_\_, J.  
Lee



\_\_\_\_\_, J.  
Bell

cc: Hon. Adriana Escobar, District Judge  
Thomas X. Kotab  
Chris A. Karsaz  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioner's motion for stay is denied as moot.