

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGAR TAVARES,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE MARI
D. PARLADE, DISTRICT JUDGE,

Respondents,


and

JENNY TAVARES,
Real Party in Interest.

No. 89316

FILED

OCT 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of prohibition and/or mandamus seeking to compel the district court to vacate an order modifying child custody.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. *See* NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474-75, 168 P.3d 731,

24-36585


736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our intervention is warranted. Petitioner has not demonstrated that he does not have a plain, speedy, and adequate remedy by way of an appeal. *See* NRAP 3A(b)(7); *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, writ relief is improper, and we

ORDER the petition DENIED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: McFarling Law Group
Posin Law Group, PC
Michael J. Warhola, LLC
Eighth District Court Clerk