IN THE SUPREME COURT OF THE STATE OF NEVADA

ARPHAXAD PATRICE LUMUMBA CARROLL, JR.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK AND THE HONORABLE JOSEPH HARDY,
Respondents,
and
AUSTIN HYATT,
Real Party in Interest.

No. 89974

ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

This original petition for a writ of mandamus and/or prohibition challenges a district court order denying a motion to dismiss pursuant to NRCP 68 and granting a countermotion for NRCP 60(b) relief.

This court has original jurisdiction to issue writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's discretion. *See* Nev. Const. art. 6, § 4; *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474-75, 168 P.3d 731, 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. Even when an appeal is not immediately available because the challenged order is interlocutory in

nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. As a general rule, "judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment." *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Jud. Dist. Ct.*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002). Although this rule is not absolute, *see Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not demonstrated that an appeal from a final judgment would not afford a plain, speedy, and adequate remedy, *see* NRS 34.170, NRS 34.330, or that the district court's order otherwise falls within any of the narrow grounds that may warrant writ relief. Accordingly, we

ORDER the petition DENIED.

_____, C.J.
Herndon

_____, J.
Parraguirre

_____, J.
Stiglich

cc: Hon. Joseph Hardy, Jr., District Judge
Law Office of Lee J. Grant II
Hong & Hong
Eighth District Court Clerk