



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CALEB PICKER,
Petitioner,
vs.
THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON,
AND THE HONORABLE JOHN
SCHLEGELMILCH, IN HIS OFFICIAL
CAPACITY,
Respondents,
and
BRIANA WHITFIELD,
Real Party in Interest.

No. 91387-COA

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order dismissing an appeal stemming from an eviction matter before the justice court.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, NRS 34.160, or to control an arbitrary or capricious exercise of discretion, *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition arrests the proceedings of a tribunal that is acting in excess of, or without, jurisdiction. NRS 34.320. The decision to entertain a petition for extraordinary writ relief is within our sole discretion, and the petitioner has the burden of demonstrating that such relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the writ petition and the documents before us, we conclude Picker has not demonstrated that our extraordinary

intervention is warranted. *Id.* “The Nevada Constitution vests the district court with final appellate jurisdiction in all cases arising in the justices’ courts.” *Id.* at 227, 88 P.3d at 843; *see* Nev. Const. art. 6, § 6. As a general rule, this court will decline to consider writ petitions that request review of a district court’s decision when acting in its appellate capacity, save for a few exceptions. *State v. Eighth Jud. Dist. Ct. (Hedland)*, 116 Nev. 127, 134, 994 P.2d 692, 696-97 (2000). We conclude Picker has not established that we should exercise our discretion to intervene in this matter. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.¹



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. John Schlegelmilch, District Judge
Caleb Jordan Picker
Briana Whitfield
Third District Court Clerk

¹We have considered Picker’s motion for leave to file supplemental points and authorities and conclude no relief is warranted.