

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD ROBERT SIBLEY,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
SCOTT JORDAN, DISTRICT JUDGE,
FAMILY COURT DIVISION,

Respondents,

and

NICOLE NANCY TROMBLEY,
Real Party in Interest.

No. 40613

FILED

JAN 30 2003

JANE M. GLOUM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original proper person petition for a writ of mandamus or prohibition challenges a district court order awarding attorney fees.

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,¹ or to control an arbitrary or capricious exercise of discretion.² On the other hand, a writ of prohibition is the proper remedy to restrain a district court from exercising a judicial function without or in excess of its jurisdiction.³ In either case, the writ may be issued only where "there is

¹NRS 34.160.

²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


³NRS 34.320; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


not a plain, speedy and adequate remedy in the ordinary course of law."⁴
The issuance of either writ "is purely discretionary" with this court.⁵

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁶

It is so ORDERED.⁷


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

⁴NRS 34.170; NRS 34.330; see also Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

⁵Smith, 107 Nev. at 677, 818 P.2d at 851.

⁶See NRAP 21(b).

⁷Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him. In light of this order, we deny as moot petitioner's December 10, 2002 motion for a stay and motion to submit.

cc: Hon. Scott Jordan, District Judge, Family Court Division
Robin A. Wright
Edward Robert Sibley
Washoe District Court Clerk