

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARSON CITY, A CONSOLIDATED
MUNICIPALITY AND POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; AND MARK JEROME
BOWERS,
Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE WILLIAM A. MADDOX,
DISTRICT JUDGE,
Respondents,
and
DAN DEANE DENNY AND MADLYN
DENNY,
Real Parties in Interest.

No. 41948

FILED

OCT 15 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus or prohibition challenges a district court order that denied a motion to strike a request for trial de novo. 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

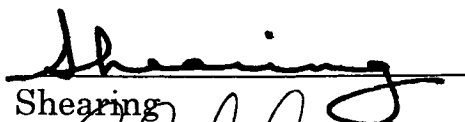
¹See NRS 34.160.


discretion.² A writ of prohibition may be issued to compel government bodies or officials to cease performing acts beyond their legal authority.³

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.⁴

It is so ORDERED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. William A. Maddox, District Judge
Carson City District Attorney
Attorney General Brian Sandoval/Transportation Division
Karen L. Winters
Carson City Clerk

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

³NRS 34.320; Ashokan v. State, Dep't of Ins., 109 Nev. 662, 856 P.2d 244 (1993).

⁴See NRAP 21(b).