

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL K. STAHELI, A MINOR;
MARSHALL STAHELI, PARENT AND
NATURAL GUARDIAN; AND KELLY
STAHELI, PARENT AND NATURAL
GUARDIAN,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND
THE HONORABLE LEE A. GATES,
DISTRICT JUDGE,
Respondents,
and
OASIS HOTEL AND CASINO; AND WSR,
INC.,
Real Parties in Interest.

No. 42320

FILED

JAN 08 2004

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied a motion to withdraw funds from a blocked account. 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 Mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy at law.³ Further, mandamus is an extraordinary

¹See NRS 34.160.


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

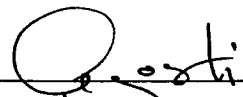
³NRS 34.170.


remedy, and whether a petition will be entertained is entirely within the discretion of this court.⁴

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.⁵

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Lee A. Gates, District Judge
Gallian, Wilcox, Welker & Olson
Laxalt & Nomura, Ltd./Las Vegas
Clark County Clerk

⁴Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

⁵See NRAP 21(b).