

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROD E. MASON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE CYNTHIA
DIANNE STEEL, DISTRICT JUDGE,
FAMILY COURT DIVISION; AND THE
HONORABLE STEVEN E. JONES,
DISTRICT JUDGE, FAMILY COURT
DIVISION,

Respondents,

and

MARTINE CUISENAIRE,
Real Party in Interest.

No. 42584

FILED

MAY 06 2004

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS AND/OR PROHIBITION

This original petition for a writ of mandamus and/or prohibition challenges a September 2002 district court order concerning child support, arrears, wage withholding and the division of a military pension. Petitioner asks this court to direct the district court to vacate the portion of its September order that authorizes wage withholding to satisfy petitioner's child support arrears obligation.

A writ of mandamus may issue to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of


¹NRS 34.160.

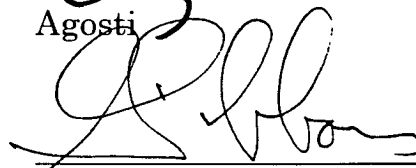
discretion,² and a writ of prohibition may issue to arrest proceedings that exceed the district court's jurisdiction.³ An extraordinary writ is generally only available when there is no plain, speedy and adequate remedy at law, and the decision whether to grant a writ petition is discretionary.⁴

Having reviewed the petition, we conclude that extraordinary relief is not warranted at this time. Accordingly, we deny the petition.

It is so ORDERED.⁵


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Steven E. Jones, District Judge, Family Court Division
Mario D. Valencia
Law Office of Marshal S. Willick, PC
Clark County Clerk

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

³NRS 34.320.

⁴NRS 34.170; NRS 34.330; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991).

⁵In light of this order, we deny as moot petition's motion for a stay.