

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWNIE BLAKE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE KENNETH E.
POLLOCK, DISTRICT JUDGE,
Respondents,
and
DEVON BLAKE,
Real Party in Interest.

No. 55040

FILED

JAN 11 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


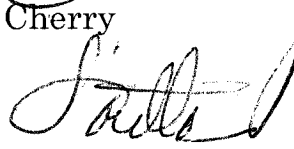
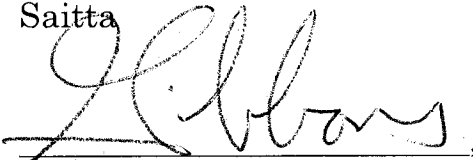
ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court ruling regarding visitation.

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, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). We may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Both mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the documents before us, we conclude that our intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

ORDER the petition DENIED.¹


Cherry, J.

Saitta, J.

Gibbons, J.

cc: Hon. Kenneth E. Pollock, District Judge
Gayle F. Nathan
Kelleher & Kelleher, LLC
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's motion to stay the district court's November 25, 2009, oral ruling and her December 9, 2009, request to submit various documents as exhibits or for this court's in camera review of the documents. Thus, we strike petitioner's supplemental exhibits that were filed on December 9, 2009.