

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF TWO MINORS:  
V.M.S. AND G.B.S.

No. 58570

CARMENO S.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEVEN E. JONES, DISTRICT JUDGE,  
Respondents,  
and  
STATE OF NEVADA, CLARK COUNTY  
DEPARTMENT OF FAMILY  
SERVICES,  
Real Party in Interest.

**FILED**

JUL 18 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY H. Anger  
DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order, entered in an NRS Chapter 432B abuse and neglect proceeding, removing petitioner's children from their mother's custody.

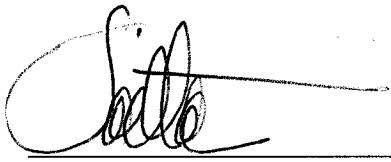
In cases where there is no plain, speedy, or adequate remedy in the ordinary course of law, NRS 34.170, a writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine whether to consider a writ petition. Smith v. District Court, 107 Nev. 674, 677, 818

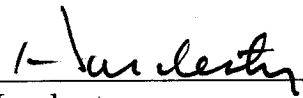
P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the writ petition and its supporting documents, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted. See id. at 228-29, 88 P.3d at 844. We therefore decline to exercise our discretion to consider the petition and, we order the petition denied. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Steven E. Jones, District Judge, Family Court Division  
Carmeno S.  
Clark County District Attorney/Juvenile Division  
Eighth District Court Clerk