

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN CENTENO,  
Petitioner,

vs.

JUSTICE COURT, LAS VEGAS  
TOWNSHIP, IN AND FOR CLARK  
COUNTY, NEVADA; AND THE  
HONORABLE CYNTHIA L. CRUZ,  
JUSTICE OF THE PEACE,  
Respondents,  
and  
U.S. BANK, NA,, SUCCESSOR  
TRUSTEE TO BANK OF AMERICA,  
N.A. SUCCESSOR TO LA SALLE  
BANK, N.A., AS TRUSTEE ON BEHALF  
OF THE HOLDERS OF THE WAMU  
MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2007-OA3,  
Real Party in Interest.

No. 65311

**FILED**

APR 02 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malone*  
DEPUTY CLERK

***ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION***


This is an original pro se petition for a writ of mandamus or prohibition seeking to order the dismissal of a justice court unlawful detainer action due to an alleged lack of jurisdiction. Petitioner has also requested an “emergency temporary restraining order” to halt the underlying proceedings pending this court’s resolution of this petition.

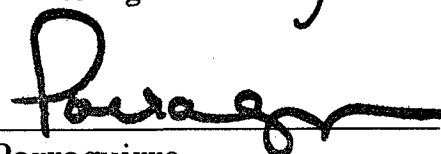
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its

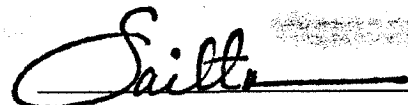
judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Writ relief is not available when the petitioner has an adequate remedy at law. NRS 34.170; NRS 34.330. From what appears here, the petitioner has unexhausted remedies available to him, including moving to transfer the unlawful detainer action to the district court, JCRCP 13(j) (providing, under certain circumstances, for a transfer to the district court "[w]hen any . . . pleading raises any issue or claim which may not be adjudicated in a justice court."), or for a stay in the justice court. See JCRCP 110; JCRCP 62. For these reasons, our intervention by extraordinary writ is inappropriate and we,

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

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

cc: Hon. Cynthia L. Cruz, Justice of the Peace  
Martin Centeno  
Tiffany & Bosco, P. A.  
Eighth District Court Clerk