

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,
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. 65573

FILED

MAY 08 2014

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

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

This is an original proper person petition for a writ of mandamus or prohibition challenging a justice court order in an unlawful detainer action.

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. 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 court exercising its judicial functions when such proceedings are in excess of the court's jurisdiction. NRS 34.320. This court has the discretion to determine whether a writ petition will be considered, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818

P.2d 849, 851 (1991), and petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Here, petitioner challenges the justice court's exercise of jurisdiction over the underlying unlawful detainer action and alleges that the justice court has improperly issued a temporary writ of restitution and refused to transfer or stay the case pending petitioner's district court quiet title action. Having considered the documents before us, we conclude that petitioner has not met his burden of demonstrating that our intervention by way of extraordinary relief is warranted. *Pan*, 120 Nev. at 228-29, 88 P.3d at 844. Accordingly, we deny the petition. *Id.*; NRAP 21(b)(1).

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

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