

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DLOUHY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,

Respondents,
and

ANTONIO RODRIGUEZ-GARAY; AND
ANABELL RODRIGUEZ-GARAY,
Real Parties in Interest.

No. 65743

FILED

JUN 30 2014

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting a motion to strike petitioner's witness.

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). Whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of establishing that relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Under NRAP 21(a)(4), a petition for extraordinary relief must provide this court with any order of the district court and any other materials that are essential to understand the issues addressed in the petition.

Petitioner has failed to include the challenged order of the district court. NRAP 21(a)(4). Without that basis, the writ petition does not show that the law clearly compels a writ in petitioner's favor, and petitioner has not shown that relief is warranted. *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Thus, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Rob Bare, District Judge
Law Offices of Kenneth E. Goates
Law Office of William R. Brenske
Eighth District Court Clerk