

IN THE SUPREME COURT OF THE STATE OF NEVADA

JONATHAN FISHER,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEVEN ELLIOTT (SENIOR JUDGE),  
DISTRICT JUDGE,

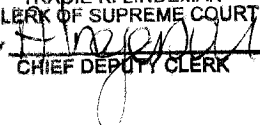
Respondents,  
and

CRYSTAL FISHER N/K/A CRYSTAL  
MICHEL,  
Real Party in Interest.

No. 66504

**FILED**

SEP 15 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF 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 order temporarily allowing real party in interest to relocate to the state of Washington with the minor child pending a hearing on the underlying relocation motion.

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. 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). Generally, petitions for extraordinary relief are only available when the petitioner has no plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. 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).

Having considered the petition and supporting documents, we conclude that petitioner has not met his burden of demonstrating that extraordinary writ relief is warranted. *Pan*, 120 Nev. at 228, 88 P.3d at 844. Petitioner has not provided this court with a copy of the district court's written order and it appears from the district court's minutes that there may be unresolved issues concerning petitioner's visitation during the temporary relocation period. Under these circumstances, we conclude that our intervention by extraordinary writ relief is not warranted at this time and we deny the petition without prejudice. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

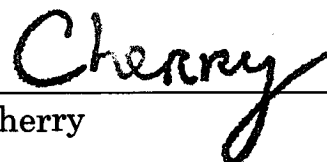
It is so ORDERED.

, J.

Hardesty

, J.

Douglas

, J.

Cherry

cc: Hon. Steven Elliott, District Judge  
Roberts Stoffel Family Law Group  
Kelleher & Kelleher, LLC  
Eighth District Court Clerk