

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARTURO GOMEZ-TORRES,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GERALD W. HARDCASTLE, SENIOR  
DISTRICT COURT JUDGE,

Respondents,

and

STEPHANIE LOVELL,  
Real Party in Interest.

No. 77034

**FILED**

SEP 27 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT  
OF MANDAMUS OR PROHIBITION*

This original, emergency petition for a writ of mandamus or prohibition challenges a district court order granting a motion to modify child custody for relocation purposes. Petitioner has alternatively sought a stay pending resolution of this proceeding.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioner has an adequate legal remedy available in the form of an appeal from an order that finally resolves the motion to modify custody, NRAP 3A(b)(7), and the availability of an appeal generally precludes writ relief. *See* NRS 34.170; NTS 34.330; *Pan*, 120 Nev. at 224, 88 P.3d at 841. Further, petitioner has not demonstrated that

emergency relief is necessary before the district court fully resolves the custody issues below. We note that the remaining issues are scheduled to be argued at a hearing this week. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Chief Judge, The Eighth Judicial District Court  
Hon. Gerald W. Hardcastle, Senior Judge  
Bowen Law Offices  
Stephanie Lovell  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioner's alternative request for a stay is denied as moot.