

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,

vs.

THE HONORABLE KIMBERLY A.
WANKER, DISTRICT JUDGE; AND
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,

Respondents,

and

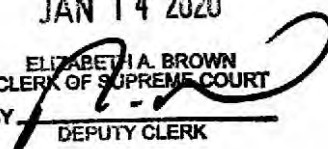
CHRISTOPHER SALCIDO,
Real Party in Interest.

No. 80382

FILED

JAN 14 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF PROHIBITION OR MANDAMUS*


This original petition for a writ of prohibition or mandamus challenges an oral ruling denying petitioner's motion in limine seeking to admit evidence of other bad acts.

A writ of mandamus is available to compel the performance of a legally required act or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04 637 P.2d 534, 536 (1981). Its counterpart, the writ of prohibition, is available to restrain the district court from acting in excess of its jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). As both writs are extraordinary remedies, this court has complete discretion in deciding whether to entertain this petition. *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008).

Having considered the petition,¹ 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) (observing that the party seeking writ relief bears the burden of showing such relief is warranted). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kimberly A. Wanker, District Judge
Attorney General/Carson City
Nye County District Attorney
The Law Firm of Nathan L. Gent, PLLC
Nye County Clerk

¹We note that petitioner has not provided this court with an appendix containing any parts of the record. See NRAP 21(a)(4).