

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS ALAN CARR,
Petitioner,

vs.

THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON;
AND THE HONORABLE LEON
ABERASTURI, DISTRICT JUDGE,

Respondents,


and

LEANDRA CARR,
Real Party in Interest.

No. 83089

FILED

JUL 27 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This pro se original petition for a writ of mandamus or prohibition challenges district court rulings in a child custody proceeding. Having considered the petition and supporting documentation, we are not persuaded that our extraordinary intervention is warranted because an appeal from an adverse ruling below constitutes a plain, speedy, and adequate remedy precluding writ relief. *See* NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (explaining that (1) extraordinary relief is proper only when there is no plain, speedy, and adequate remedy at law; (2) an appeal is generally an adequate remedy precluding writ relief; and (3) petitioner bears the burden of demonstrating that writ relief is warranted).

Further, to the extent petitioner seeks modification of the district court's custody determinations, such a motion should be directed to and resolved by the district court in the first instance so that the factual and legal issues are fully developed, giving this court an adequate record to

review. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact" and determining that when there are factual issues presented, this court will not exercise its discretion to entertain a petition for extraordinary relief even though "important public interests are involved"). Accordingly, we

ORDER the petition DENIED.

1 Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. Leon Aberasturi, District Judge
Thomas Alan Carr
Law Offices of Andriea A. Aden, Esq., Chtd.
Third District Court Clerk