

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIMBERLY MORRIS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SOONHEE BAILEY, DISTRICT JUDGE,
Respondents,

and

MICHAEL STRICKLAND,
Real Party in Interest.

No. 83428-COA

FILED

JAN 24 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS AND/OR PROHIBITION*

This original petition for a writ of mandamus and/or prohibition challenges a post-decree order in a child custody matter.

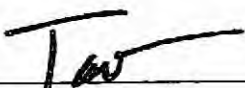
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). 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. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 475, 168 P.3d 731, 737 (2007). 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).

Here, petitioner seeks a writ of mandamus and/or prohibition directing the district court to vacate its order regarding contempt, asserting that the district court improperly modified the parties' child custody order as part of its order. Having considered the documents before us, we are not persuaded that this court's intervention by way of extraordinary relief is warranted at this time. *Id.* In particular, petitioner has failed to provide this court with the necessary documentation to fully address the petition on the merits, including all of the relevant filings referenced in the petition. See NRAP 21(a)(4) (requiring the petitioner to submit with a writ petition any documents "that may be essential to understand the matters set forth in the petition"). Moreover, to the extent the challenged order modifies the parties' custody arrangement, as petitioner asserts, such an order would be appealable. *Vaile v. Vaile*, 133 Nev. 213, 217, 396 P.3d 791, 794-95 (2017) (holding that contempt orders are appealable when part of an otherwise independently appealable order); *Pan*, 120 Nev. at 224-25, 88 P.3d at 841 (explaining that writ relief is inappropriate to challenge an appealable order). Accordingly, we decline to exercise our discretion to address the merits of this matter, and we deny the petition. See NRAP 21(b)(1); *D.R. Horton, Inc.*, 123 Nev. at 474-75, 168 P.3d at 736-37.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Soonhee Bailey, District Judge, Family Court Division
Grigsby Law Group
Tony Terry, LTD
Eighth District Court Clerk