

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSIE JO HEWITT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RHONDA KAY FORSBERG, DISTRICT
JUDGE,
Respondents,
and
BRADLEY SCOTT HEWITT,
Real Party in Interest.

No. 84359-COA

FILED

JUN 10 2022

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

*ORDER DENYING PETITION FOR WRIT OF
CERTIORARI, MANDAMUS, OR PROHIBITION*

This original petition for a writ of certiorari, mandamus, or prohibition challenges a district court order to show cause and an order setting a show cause hearing and an evidentiary hearing on a motion to modify custody.

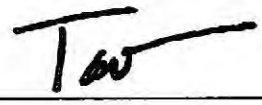
A writ of certiorari is granted when a lower court has exceeded its jurisdiction. NRS 34.020(2). A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. 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 34.020(2), NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007); *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). 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, we conclude that petitioner has not demonstrated that our extraordinary intervention is warranted. *See id.* Accordingly, we deny the petition. *See* NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737; *Zamarripa*, 103 Nev. at 640, 747 P.2d at 1387.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Rhonda Kay Forsberg, District Judge
Ford & Friedman, LLC
Nevada Family Law Group
Eighth District Court Clerk