

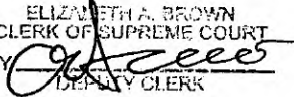
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRIS STETTLER,  
Petitioner,  
vs.  
THE SIXTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
HUMBOLDT; AND THE HONORABLE  
MICHAEL MONTERO, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 85572-COA

FILED

NOV 30 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*


In this original petition for a writ of mandamus or, in the alternative, writ of prohibition, Chris Stettler contends that the State has appealed to both the district court and the Nevada Supreme Court from a justice court order quashing his citation. Stettler seeks an order directing the district court to rescind its scheduling order filed in the appeal pending before that court or, in the alternative, seeks an order prohibiting the district court from continuing the appellate proceedings pending before it until the State's appeal to the Nevada Supreme Court is resolved.

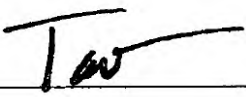
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of prohibition may issue to arrest the proceedings of a district court exercising

its judicial functions when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. Petitions for extraordinary writs are addressed to the sound discretion of the court, *see State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), and the “[p]etitioner[ ] carr[ies] 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).

Stettler fails to demonstrate that an appeal regarding his underlying case is pending before either the Nevada Supreme Court or this court. Accordingly, he fails to demonstrate that this court’s intervention by way of extraordinary relief is warranted, and we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk