

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTIAN FLORES,
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. 85565-COA

FILED

DEC 13 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, a writ of prohibition, Christian Flores challenges the justice court's granting of the State's motion to continue Flores' October 2022 preliminary hearing. Specifically, Flores seeks an order directing the district court to grant his petition for a writ of habeas corpus, wherein he argued to the district court that he was being unlawfully held after the justice court improperly granted the State's motion, and to discharge him from custody.¹

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. The writ "does not lie to correct errors where action

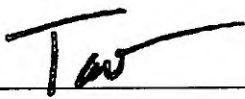
¹Although Flores has alternatively requested a writ of prohibition, such a writ is not the proper vehicle for obtaining the relief he is seeking. See NRS 34.320.

has been taken by the inferior tribunal," *State v. Eighth Judicial Dist. Court*, 116 Nev. 127, 133, 994 P.2d 692, 696 (2000), except 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). 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).

Flores does not contend that the district court manifestly abused or arbitrarily or capriciously exercised its discretion in denying Flores' petition for a writ of habeas corpus. Moreover, Flores has not provided this court with any documentation reflecting the justice court's reasoning. Accordingly, without deciding on the merits of any claims raised therein, 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