


IN THE SUPREME COURT OF THE STATE OF NEVADA

MOFID TAMAM,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
STACY MICHELLE ROCHELEAU,
DISTRICT JUDGE,
Respondents,
and
WIAM TAMAM,
Real Party in Interest.

No. 86625

FILED

JUN 08 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus seeking to compel the district court to grant petitioner's motion for reconsideration of a minute order setting aside a divorce decree.

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate legal remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in

nature, the fact that the order may ultimately be challenged on appeal generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. Petitioner has not demonstrated that an appeal from a written order setting aside the default divorce decree below would not afford a plain, speedy, and adequate legal remedy. *See* NRS 34.170; NRAP 3A(b)(8); *Vargas v. J. Morales Inc.*, 138 Nev., Adv. Op. 38, 510 P.3d 777, 779 (2022) (clarifying that this court has appellate jurisdiction over orders granting an NRCP 60(b)(1) motion that was filed more than 60 days after entry of a default judgment). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division
Law Office of Joseph P. Reiff
The Law Offices of Charlotte Christian
Eighth District Court Clerk