

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN SCHROEDER; AND JENNIFER
GREENWOOD,

Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CARSON CITY; AND THE

HONORABLE JAMES E. WILSON,
DISTRICT JUDGE,

Respondents,

and

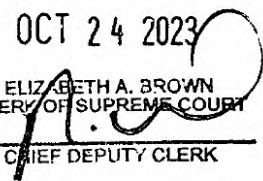
ISTORAGE PO, LLC,

Real Party in Interest.

No. 87488

FILED

OCT 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

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

This emergency, original pro se petition for a writ of certiorari and/or mandamus challenges a district court order affirming a justice court lockout order on appeal.¹ Petitioners also seek an emergency stay of eviction.

A writ of certiorari is available to correct an inferior tribunal's judicial action if the tribunal exceeded its jurisdiction and "there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy." NRS 34.020(2); *Dangberg Holdings v. Douglas County*, 115 Nev.

¹Petitioners' motion for leave to proceed in forma pauperis is granted, see NRAP 24, and the filing fee is thus waived. Petitioners' motions for leave to file a writ petition and stay motion in excess of the NRAP 21 and NRAP 27 page limits are granted; the clerk of this court shall file the petition and motion provisionally received on October 24, 2023.

129, 137-38, 978 P.2d 311, 316 (1999). As we have previously explained, “if it is determined that the act complained of was within the jurisdiction of the tribunal, our inquiry stops even if the decision or order was incorrect.” *Id.* (quoting *Goicoechea v. District Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980)). A writ of mandamus, which may compel a legally required act or correct an arbitrary and capricious exercise of discretion, NRS 34.160, is also available only when no adequate and speedy legal remedy exists, NRS 34.170. Whether a petition for writ relief will be considered is within this court’s discretion. *Dangberg Holdings*, 115 Nev. at 138, 978 P.2d at 316; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); *see also Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioners bear the burden to demonstrate that writ relief is warranted).

Because a party aggrieved by a justice court decision has a plain, speedy, and adequate legal remedy in the form of an appeal to the district court, *see Nev. Const. art. 6, § 6; Waugh v. Casazza*, 85 Nev. 520, 521, 458 P.2d 359, 360 (1969) (recognizing that the district court has final appellate jurisdiction in cases arising in the justice court), this court generally declines to entertain writ petitions requesting review of a district court’s appellate decision. *See State of Nevada v. District Court*, 116 Nev. 127, 134, 994 P.2d 692, 696 (2000). In that regard, to preserve the finality of the district court’s appellate decision, this court typically will not consider such a petition unless the district court has improperly refused to exercise its jurisdiction or the matter involves an unsettled issue of statewide importance. *Id.* at 134, 994 P.2d at 697.

Here, having considered the petition and the documents submitted in its support, we conclude that petitioners have not shown that

deviating from the general rule against reviewing a district court's appellate decision is appropriate. In particular, the district court properly exercised jurisdiction over petitioners' appeal from the justice court's decision, and, in affirming that decision, the district court did not commit error warranting this court's intervention by way of extraordinary relief. *Dangberg Holdings*, 115 Nev. at 138, 978 P.2d at 316; *State of Nevada*, 116 Nev. at 134, 994 P.2d at 697; *see also Floyd v. District Court*, 36 Nev. 349, 352, 135 P. 922, 923 (1913) (providing that "[e]rrors committed in the exercise of judicial discretion cannot be made the subject of review," nor can they be corrected through an extraordinary writ). Accordingly, we

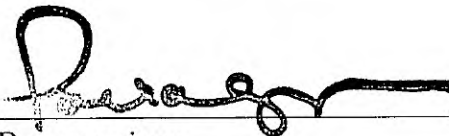
ORDER the petition DENIED.²



_____, J.
Herndon



_____, J.
Lee



_____, J.
Parraguirre

cc: Hon. James E. Wilson, District Judge
Jennifer Greenwood
John Schroeder
Allison MacKenzie, Ltd.
Carson City Clerk

²Petitioners' motion for stay is denied as moot.