

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND RAWLS, II,  
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. 87198-COA

FILED

DEC 26 2025

ELIZABETH A. STONIN  
CLERK OF SUPREME COURT  
BY: *Elizabeth Stonin*  
DEPUTY CLERK

*ORDER DENYING PETITION*

In this original petition for a writ of mandamus or, in the alternative, prohibition, Raymond Rawls, II, seeks an order directing the district to either (1) discharge and dismiss the proceedings or release Rawls or (2) prohibit the continuation of Rawls' preliminary hearing.

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).

The State filed a motion in the justice court to continue Rawls’ preliminary hearing, and Rawls filed a conditional non-opposition. The justice court did not grant the condition Rawls sought but nevertheless continued the preliminary hearing. Rawls filed a petition for a writ of habeas corpus in the district court, challenging the continuance of the preliminary hearing.

Although granting a petition for a writ of habeas corpus may be the proper remedy when a preliminary hearing is improperly continued, *see Salas v. Sheriff, Clark Cnty.*, 91 Nev. 802, 804, 543 P.2d 1343, 1344 (1975), such a writ is not available “once the detention becomes legal,” *Sheriff, Washoe Cty. v. Myles*, 99 Nev. 817, 819, 672 P.2d 639, 640 (1983). Shortly after the district court filed its order denying Rawls’ petition, Rawls waived his preliminary hearing. Once Rawls waived his preliminary hearing, his detention could no longer be illegal for want of a preliminary hearing. And because his detention became legal, his request for mandamus relief is moot. Further, while the State argues in its answer to Rawls’ petition that his claims are moot, Rawls does not argue that any exception to the mootness doctrine applies.

Finally, Rawls offers no argument in support of his contention that, in the alternative, a writ of prohibition should issue, and he has not

otherwise demonstrated that the district court acted in excess of its jurisdiction. Accordingly, we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

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