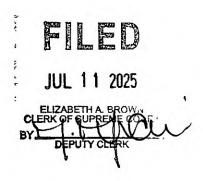
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASMINE ANDERSON-ALEXANDER, Petitioner,

VS.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE AMY MASTIN, DISTRICT COURT JUDGE, Respondents,

and WAYNE MOTEN, III, Real Party in Interest. No. 90926-COA



ORDER DENYING EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court custody order. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, NRS 34.160, or to control an arbitrary or capricious exercise of discretion, Int'l Game Tech., Inc. v. Second Jud. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition arrests the proceedings of a tribunal that is acting in excess of, or without, jurisdiction. NRS 34.320. The decision to entertain a petition for extraordinary writ relief is within our sole discretion, and the petitioner has the burden of demonstrating that such relief is warranted. Pan v. Eighth Jud. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition and the supporting documents, we conclude that petitioner has a plain, speedy, and adequate remedy at law in the form of

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an appeal from the custody order that precludes write relief. NRS 34.170; NRS 34.330; D.R. Horton, Inc. v. Eighth Jud. Dist. Ct., 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Accordingly, we ORDER the petition DENIED.

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C.J.

J.

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Gibbons

Westbrook

cc: Hon. Amy Mastin, District Judge, Family Division Jasmine Alexis Anderson-Alexander Wayne Harold Moten, III Eighth District Court Clerk

¹Indeed, petitioner timely appealed from the custody order, and that matter is currently pending in Docket no. 90813-COA.