

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT SCHNEIDER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TINA
TALIM, DISTRICT JUDGE,
Respondents.

No. 92541-COA

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging a district court order denying a pretrial petition for a writ of habeas corpus. 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). 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 not carried his burden of demonstrating that extraordinary relief is warranted. Particularly as to petitioner's challenges to the probable cause findings, our review of pretrial probable cause determinations through an original writ petition is disfavored, and petitioner has not demonstrated that his challenges fit the exceptions for purely legal issues. *See Ostman v. Eighth Jud. Dist. Ct.*, 107

Nev. 563, 565, 816 P.2d 458, 459-60 (1991) (discussing the general rule against considering such petitions and its exceptions). Accordingly, we

ORDER the petition DENIED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Tina Talim, District Judge
The Pariente Law Firm, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk