

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL C. RATLIFF,
Appellant,

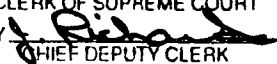
vs.

TED D'AMICO; BRIAN SANDOVAL;
JACKIE CRAWFORD; KENNY GUINN;
AND DEAN HELLER,
Respondents.

No. 43425

FILED

FEB 04 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's petition for a writ of mandamus. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

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,¹ or to control an arbitrary or capricious exercise of discretion.² A writ of mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.³

¹See NRS 34.160.

²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

³See NRS 34.170.

Here, appellant has a plain, speedy and adequate remedy in the form of his civil rights action under 42 U.S.C. § 1983, currently pending in federal court. Accordingly, the district court did not abuse its discretion in denying mandamus relief,⁴ and we

ORDER the judgment of the district court AFFIRMED.

Becker, C.J.
Becker

Rose, J.
Rose

Hardesty, J.
Hardesty

cc: Hon. Michael R. Griffin, District Judge
Michael C. Ratliff
Attorney General Brian Sandoval/Carson City
Carson City Clerk

⁴See County of Clark v. Doumani, 114 Nev. 46, 952 P.2d 13 (1998).