

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL C. RATLIFF,
Appellant,
vs.
THE STATE OF NEVADA, BOARD OF
PRISON COMMISSIONERS; AND
WARDEN HELLING, DIRECTOR OF
PRISONS,
Respondents.

No. 44385

FILED

APR 29 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; William A. Maddox, 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, or to control an arbitrary or capricious exercise of discretion.¹ The district court's denial of a petition for a writ of mandamus is discretionary and will not be disturbed absent a clear abuse of discretion.² Having reviewed the trial court record, we conclude that the district court did not abuse its discretion in determining that appellant's petition failed to


¹NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

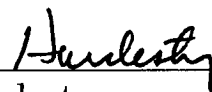
²County of Clark v. Doumani, 114 Nev. 46, 952 P.2d 13 (1998).

demonstrate that an extraordinary writ of mandamus, or even an answer to the petition, was warranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. William A. Maddox, District Judge
Attorney General Brian Sandoval/Carson City
Michael C. Ratliff
Carson City Clerk

³While the district court did not abuse its discretion in denying the majority of appellant's petition for its lack of decipherability, to the extent that the petition involved the constitutionality of prison charges under NRS chapter 209, the district court likewise did not abuse its discretion in denying extraordinary relief. See Hrbeck v. Farrier, 787 F.2d 414 (8th Cir. 1986) (concluding that legislative authorizations of discretionary prisoner payroll deductions are constitutional because there is no constitutional right to prison wages and the legislature may attach conditions to favors granted to prisoners).