

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN LUCKETT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,
Respondents,
and
BARRICK GAMING CORPORATION,
Real Party in Interest.

No. 45476

FILED

JUL 06 2005

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS

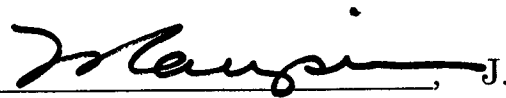
This proper person petition for a writ of mandamus seeks, among other things, an order directing the district court to strike an alleged order dismissing the underlying action and sanctioning petitioner.

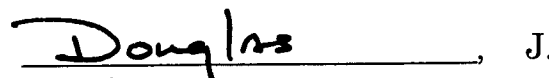
We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ Accordingly, we deny the petition.²

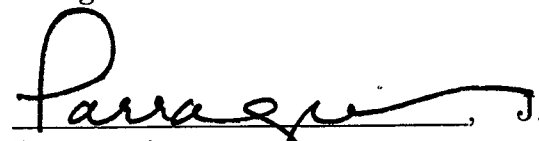
¹See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004) (noting that (1) petitioners carry the burden of demonstrating that extraordinary relief is warranted and of complying with NRAP 21(a)'s direction to provide all documents necessary to this court's review of the matter and (2) an appeal is generally an adequate legal remedy that precludes writ relief); Conklin Ex Rel. v. Buckingham, 58 Nev. 450, 453, 83 P.2d 462, 463 (1938) (recognizing that a writ of mandamus will issue only when a clear legal

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It is so ORDERED.³


Maupin


Douglas


Parraguirre

... continued

right to the requested relief is shown). Petitioner has not demonstrated that his requested relief is warranted, whether in the form of an order directing the district court to strike any order dismissing petitioner's action and awarding costs and sanctions and to compel real party in interest to file an answer or to allow petitioner to file an amended complaint, or in the form of an order directing the recusal of Judge Cory or a change of venue. Additionally, we deny petitioner's request for sanctions against counsel for real party in interest.

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³Although petitioner has not been granted permission to file documents in proper person, see NRAP 46(b), we have received and considered petitioner's proper person documents. Petitioner has submitted a request to waive the filing fees in this writ proceeding. The clerk of this court shall file that motion, which was provisionally received on June 22, 2005. Having reviewed the documents submitted by petitioner, we conclude that he has not demonstrated good cause to waive the filing fee, see NRAP 21(e); accordingly, petitioner's failure to pay the filing fee constitutes another basis for denying this petition.

cc: Hon. Kenneth C. Cory, District Judge
John Lockett
Craig A. Marquiz
Clark County Clerk